

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: January 20, 2021

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 007-20 FOR 01/26/21 CLOSED-SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
Newton	2/25/20	10:09 p.m.		

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
Zavala, B./PO II	4 years, 4 months
Velasquez, F./POII	3 years, 9 months

<u>Total Involved Officer(s)</u>
1 x Sgt. II 2 x Sgt. I 1 x PO III 2 x PO II

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded ()</u>	<u>Non-Hit (X)</u>
Cory Daron Jackson: Male Black, 18 years of age.			

COP Recommendations

Tactics – Tactical Debrief, Sergeants Udeshi, Burke, and Goosby, and Officers Zavala, Velasquez, and Peters.

Drawing/Exhibiting – In Policy, No Further Action, Sergeant Goosby, and Officers Zavala, Velasquez, and Peters.

Lethal Use of Force – In Policy, No Further Action, Officers Zavala and Velasquez.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Lethal Use of Force – Same as COP.

Table of Contents

I.	Investigation		
	i.	Annotated Force Investigation Division (FID) Incident Summary	p. 3
II.	Chief of Police Report		
	i.	Chief of Police Findings	p. 28
	ii.	Chief of Police Analysis	p. 28
III.	Inspector General Review		
	i.	Inspector General Analysis	p. 59
	ii.	Inspector General Recommendations	p. 60

INVESTIGATION

Annotated Force Investigation Division (FID) Incident Summary¹

Synopsis

Newton Patrol Division uniformed officers were traveling east on East 41st Street toward McKinley Avenue in a marked black and white police vehicle. A suspect pointed a handgun at the officers and fired multiple rounds at them as they were seated in their vehicle. Both officers returned fire at the suspect who fled on foot. Metropolitan Division K9 personnel responded and ultimately located the suspect, resulting in a K9 contact with minor injuries. A 9-millimeter handgun was located immediately adjacent to the suspect's location. Neither the officers nor the suspect was struck by gunfire during the incident.

Investigative Summary

On February 25, 2020, at approximately 2205 hours, Matthew Elliot was driving west on East 41st Street from McKinley Avenue in a 2006 gray Dodge Magnum, California License Plate No. 6GSK120. As Elliot approached 659 East 41st Street, he observed two men walking east on the south sidewalk. The two men crossed to the north side of the street in front of Elliot's vehicle, causing him to stop. According to Elliot, as the men walked along the passenger side of his car, one of the men shouted, "Hey". When a passenger in Elliot's vehicle, Desiree Haywood, responded, "What's up?", Elliot heard gunfire from the rear passenger side and what he believed to be bullets striking his vehicle.² Elliot immediately accelerated west on 41st Street toward Avalon Boulevard to flee the area. The incident was documented in an Investigative Report (IR) under Division of Record (DR) No. 2013-08054 (Investigators' Note Nos. 1 and 2) (Addendum No. 1) (Addendum No. 2).

At approximately 2209 hours, Newton Patrol Division uniformed Police Officers II Bardo Zavala, Serial No. 42298, and Franco Velasquez, Serial No. 42536, Unit 13A43, were in a marked black and white Ford Explorer sport utility police vehicle (SUV), patrolling the area of Avalon Boulevard and 41st Street.³

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

² It was later determined that Elliot's vehicle was struck five times by gunfire.

³ Officer Zavala, four years, four months with the Department, 25 years of age, 6 feet tall, approximately 175 pounds. Officer Velasquez, three years, nine months with the Department, 32 years of age, 5 feet 9 inches tall, approximately 175 pounds. Both officers were dressed in full police uniform and wearing a ballistic vest. They were each equipped with a Department-approved handgun, handcuffs, a canister of Oleoresin Capsicum (OC) spray, and Hobble Restraint Devices (HRD). They were also equipped with

As the officers traveled north on Avalon Boulevard, Officer Velasquez heard what he believed to be gunfire emanating from the area east of them. Officer Zavala believed the sound to be firecrackers. According to Officer Velasquez, he notified Officer Zavala of what he had heard. Officer Zavala negotiated a right turn onto 41st Street to investigate. Once eastbound, neither officer observed suspicious activity ahead of them as they continued toward the end of the block nearing McKinley Avenue. According to Officer Zavala, he observed smoke, leading him to believe that a vehicle had spun its tires or possibly backfired.

Note: Officer Velasquez believed they were traveling south on Avalon Boulevard prior to making an eastbound turn onto 41st Street.

As the officers approached the intersection of McKinley Avenue, they observed a male suspect, later identified as Corey Jackson, standing at the southeast corner.⁴ According to Officer Zavala, Jackson was standing next to the passenger side of a dark sedan that was parked along the south curb facing east on 41st Street.

Note: Two security video cameras mounted to the exterior of a building located at the northwest corner of 41st Street and McKinley Avenue (817 East 41st Street), captured footage of the incident. At approximately 2201:21 hours, the video depicted an unidentified four-door sedan park at the southeast corner of the intersection of 41st Street and McKinley Avenue. Two individuals, one of whom was Corey Jackson, exited the vehicle and walked west on the south side of 41st Street, crossing McKinley Avenue, out of the cameras' view. At approximately 2205:13 hours, Matthew Elliot's vehicle was captured as he negotiated a westbound turn onto 41st Street from McKinley Avenue.⁵

[This space intentionally left blank.]

side-handle batons in their vehicle, Shop No. 81482, at the time of the incident. Officer Zavala was the driver.

⁴ At the time of the incident, Corey Daron Jackson was 18 years of age, 6 feet 1 inch tall, and weighed approximately 160 pounds.

⁵ The referenced security video footage obtained from 817 East 41st Street was captured by cameras that faced southeast toward McKinley Avenue with a video frame rate of approximately 30 frames per second. The time stamps of those videos were determined to be approximately 59 minutes and 39 seconds ahead of Body Worn Video (BWV) time stamps. Time stamps of BWV were consistent with broadcasts from a Communications Division (CD) recording of Newton Division frequency during the time span of this incident. The BWV time stamp was displayed in "Zulu Time" or Greenwich Mean Time, which was eight hours ahead of Pacific Standard Time.

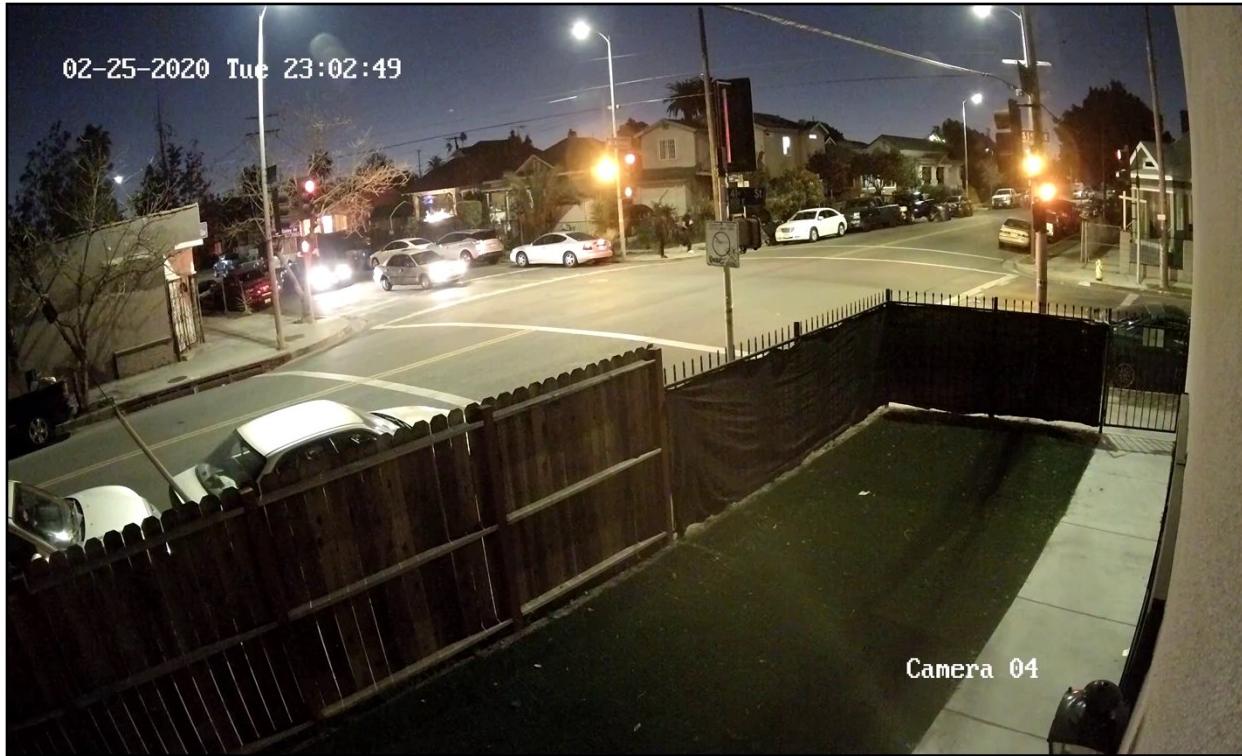


Image obtained from the 817 East 41st Street security video, east facing camera

As depicted in the video footage, at approximately 2209:25 hours, Jackson and a second unidentified individual ran east on the south sidewalk of 41st Street to the dark sedan parked at the southeast corner of the intersection at McKinley Avenue. The unidentified individual then entered the front passenger side of the sedan. Jackson appeared to open and then close the rear passenger side door before turning and facing west. Jackson then momentarily raised a pistol with his right hand and took several steps west in the street before stepping up onto the sidewalk. As Officers Zavala and Velasquez neared the west side of the intersection in their police vehicle, Jackson again raised his pistol, pointed with a two-handed grip and in the officers' direction. As Jackson began to fire, the unidentified sedan fled east on 41st Street.⁶

Note: At the time of the OIS, Officer Zavala was unaware that Jackson was associated with the unidentified sedan due to the rapid nature in which the incident unfolded and his attention being focused on Jackson. According to Officer Velasquez, he believed Jackson was alone.

In a subsequent interview, Officer Zavala stated he observed Jackson take several steps in their direction as the unidentified sedan drove east. Jackson raised both his arms, assumed an "isosceles" shooting stance, and extended a pistol outward with a

⁶ The other male seen with Jackson, and the driver of the sedan, were not identified.

two-handed grip toward him and Officer Velasquez. Jackson then fired at him (Officer Zavala) as he sat in the driver's seat of the police vehicle.

OIG Note No. 1: According to Officer Zavala, “I looked at him and I observed muzzle flash coming from his hand from a semi-automatic pistol right at me.”⁷

According to Officer Velasquez, he first observed Jackson already standing at the southeast corner of the intersection with his arms raised, firing a semi-automatic pistol at them. Officer Velasquez could see muzzle flashes from Jackson’s pistol and heard gunshots and bullets striking their vehicle.

As Officer Zavala brought the police vehicle to a stop, he stated he could feel the vehicle being struck by gunfire. “I felt like something struck the vehicle. I felt -- for example, when a rock hits a motorcycle helmet, I felt the impact of the vehicle -- being struck by gunfire.”⁸ Believing there was not enough time to exit the vehicle, Officer Zavala immediately unholstered his pistol with his right hand, acquired a two-handed grip and extended his hands over the dashboard.

Note: Although BWV depicted Officer Zavala firing over the top of his steering wheel, his hands did not appear to extend over the dashboard.

Officer Zavala feared that he and his partner were going to be killed. He immediately fired six consecutive rounds at Jackson through the windshield of the police vehicle, in an easterly direction, from a distance of approximately 77 feet.^{9 10} According to Officer Zavala, he stopped firing once he was no longer able to observe Jackson due to his windshield being shattered from the impacts of his (Officer Zavala) rounds. Officer Zavala added that he believed Jackson had stopped firing prior to him (Officer Zavala) firing his final round, but that Jackson had continued to point the handgun in their direction.

Simultaneously, as Officer Zavala stopped the police vehicle, Officer Velasquez removed his seatbelt, opened the front passenger door and immediately began to exit while unholstering his pistol. Utilizing the ballistic paneling of the open passenger door

⁷ Zavala, Page 10, Line 24 to Page 11, Line 1.

⁸ *Id.*, Page 49, Lines 4-10.

⁹ Officer Zavala’s initial recollection was that he fired three rounds. However, after completion of the magazine count performed by Force Investigation Division (FID), he believed he fired five or six rounds.

¹⁰ Unless otherwise noted, the distances listed in this report were determined by Department mapping software after an analysis of the available BWV and security videos. It is important to note that each of the officers’ perceptions of Jackson’s position at the time they fired were different. As determined in their individual walk-throughs, Officer Zavala believed Jackson stepped into the street at the time he (Officer Zavala) fired and Officer Velasquez believed that Jackson was on the sidewalk, approximately 14 feet east of the east curb line, when he (Officer Velasquez) fired. Security Video depicted Jackson standing on the sidewalk at the curb line when the OIS occurred.

for cover, Officer Velasquez turned and moved to a secondary position of cover behind the police vehicle. Officer Velasquez stated, "*I'm still hearing the impact of the bullets striking our vehicle, so I redeploy by going behind the black and white vehicle -- our vehicle to get a better position and what I believe better cover is. And I still see the suspect aiming his semiautomatic handgun at my partner and I and shooting at us.*"¹¹

Once at the rear of the police vehicle, Officer Velasquez utilized the right rear portion of the vehicle for cover, raised his pistol in a two-handed grip and fired two rounds at Jackson, in an easterly direction, from an approximate distance of 88 feet. According to Officer Velasquez, after firing his second round, he no longer observed Jackson and believed Jackson had moved behind a bush that was situated on the parkway of 41st Street, just east of the southeast corner.

Note: In reviewing security video from 817 East 41st Street, Jackson appeared to have turned and ran east on the south sidewalk approximately three seconds prior to Officer Velasquez firing his first round. During a subsequent re-interview, Officer Velasquez' recollection of the incident had not changed. Officer Velasquez indicated he believed Jackson was firing at him when he (Officer Velasquez) fired his rounds.

Security video from 817 East 41st Street depicted five bullets ricocheting in the street, in front of the officers' vehicle as Jackson fired. After Jackson fired two rounds, Officer Zavala is observed abruptly stopping the police vehicle immediately west of the intersection, followed by Jackson firing three additional rounds. Jackson then turned and ran east on the south sidewalk.

[This space intentionally left blank.]

¹¹ Velasquez, Page 10, Lines 22-25 and Page 11, Lines 1-2.

15

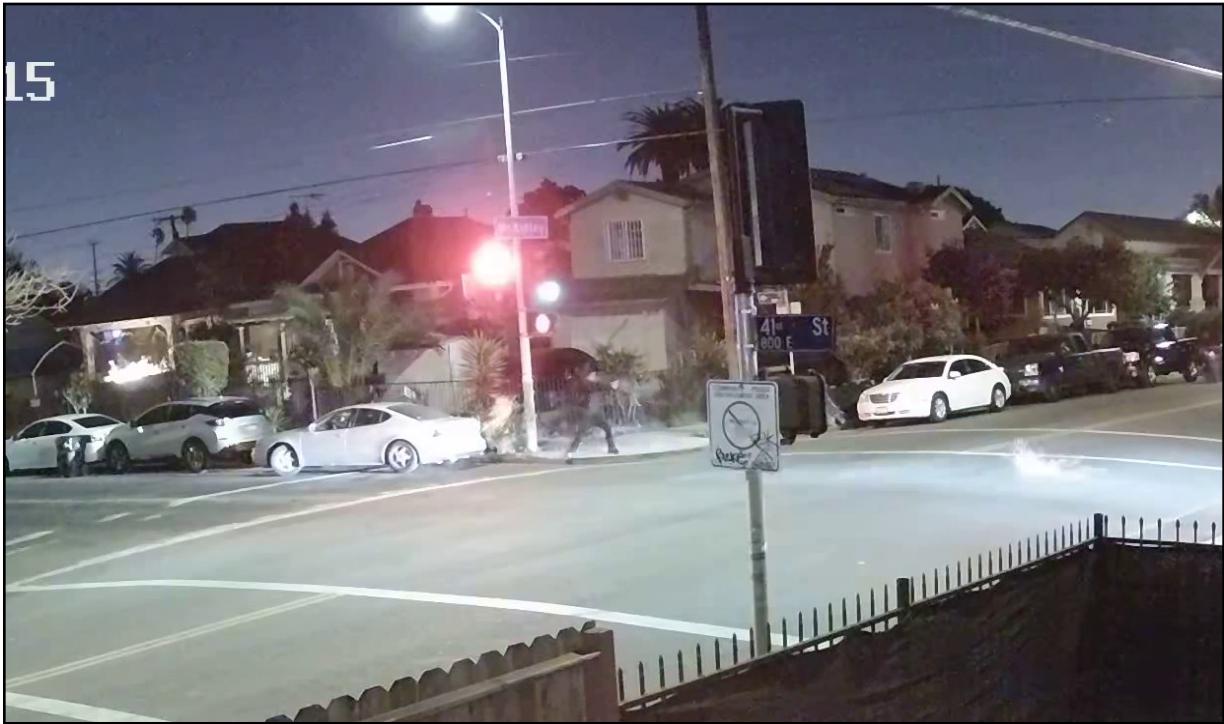


Image obtained from the 817 East 41st Street security video, east facing camera



Image obtained from the 817 East 41st Street security video, south facing camera

Immediately after firing, Officer Zavala exited the police vehicle and stood behind the open driver's side door as Officer Velasquez appeared to fire his final round. At approximately 2209:48 hours, Officer Zavala broadcast, "43 Officer needs help, 41st and McKinley, shots fired." Simultaneously, Officer Velasquez moved forward along the passenger side of the vehicle to the open passenger door.

As Communications Division (CD) broadcast the help call, Officers Zavala and Velasquez entered their vehicle, leaving their doors open. Officer Velasquez communicated with his partner and suggested they move forward. Officer Zavala began to slowly maneuver the police vehicle east into the intersection of 41st Street and McKinley Avenue, while simultaneously broadcasting, "*43, shots were coming from eastbound, male black, probably ran eastbound on 41st street. Have units respond westbound...correction, eastbound from Avalon or from the north and south.*" Body Worn Video depicted both officers pointing their pistols east, while utilizing a one-handed grip with their right hands as they drove forward into the intersection.

According to Officers Zavala and Velasquez, driving into the intersection provided them a better view of the southeast corner where the suspect was last seen while allowing them to maintain the cover provided by the police vehicle.

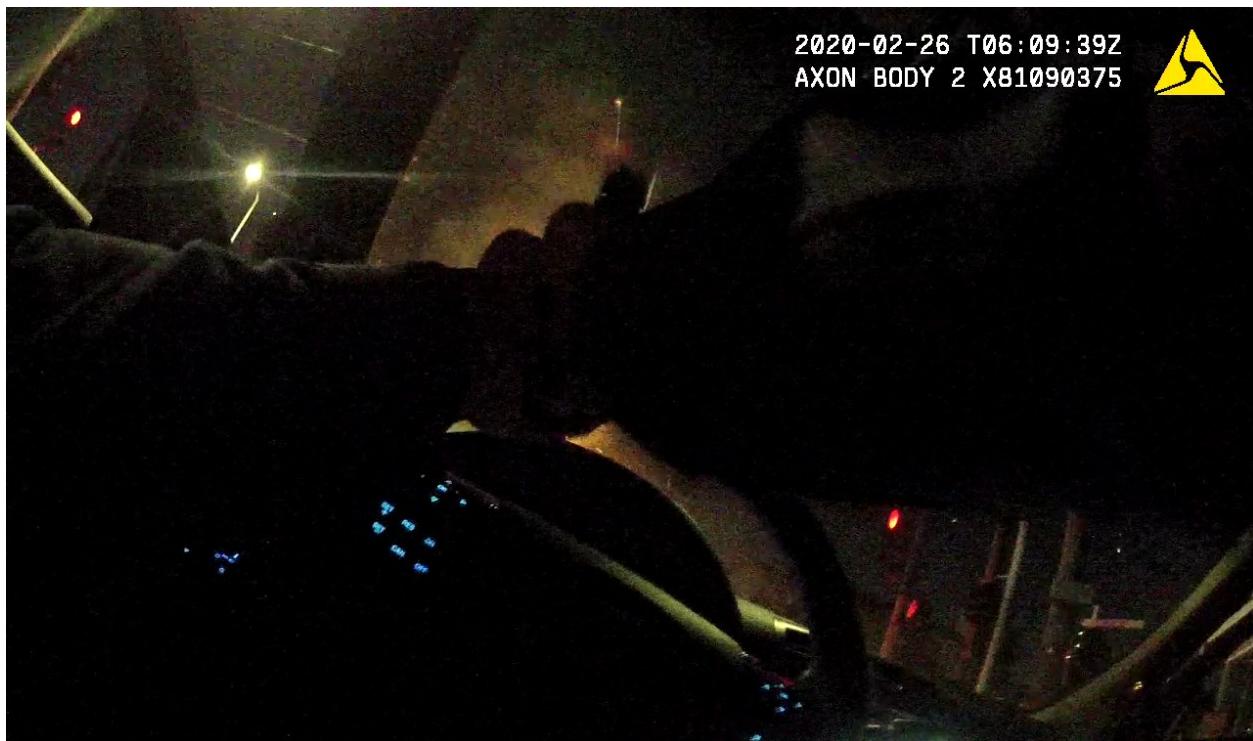


Image obtained from Officer Zavala's BWV



Image obtained from Officer Velasquez' BWV

As Officers Zavala and Velasquez monitored the southeast corner of the intersection, Mario Arias, a resident at 856 East 41st Street, exited his home and notified them that someone had run south through his yard toward the rear of his property.¹² At approximately 2211 hours, Officer Zavala broadcast, “13A43, let me get Central locked down on four one. Be advised, I got a citizen reporting that a suspect ran southbound through the houses between McKinley and Central.”

Note: According to Officer Velasquez, he briefly observed the suspect run south from the south sidewalk of 41st Street into a yard east of McKinley Avenue as they moved their vehicle into the intersection.

At approximately 2212 hours, Newton Area uniformed Gang Enforcement Detail (GED) Sergeants I Akash Udeshi, Serial No. 35775, Unit 13G30, Cesar Wences, Serial No. 36067, Unit 13G50, and Newton Patrol Division uniformed Sergeant I William Hines, Serial No. 37786, Unit 13L80, arrived at the scene. Officer Zavala immediately advised the sergeants what had occurred and that a citizen reported the suspect had run southbound.¹³ Officers Zavala and Velasquez holstered their pistols after additional units arrived and the perimeter was being established.

¹² 856 East 41st Street is located on the south side of 41st Street, four properties east of McKinley Avenue.

¹³ Sergeants Udeshi and Wences responded to the help call in the same vehicle from Newton Station. Sergeants Hines and Burke responded from Newton Station in their respective vehicles.

Sergeant Udeshi immediately assumed the role of Incident Commander (IC) and began to establish a perimeter in coordination with Air Support Division (ASD), Unit Air 16. He then directed Sergeants Wences and Hines to separate Officers Zavala and Velasquez and obtain their Public Safety Statements (PSS).¹⁴ At approximately 2215 hours, Sergeant Hines began monitoring Officer Zavala and obtained a PSS. Sergeant Wences also began monitoring Officer Velasquez and obtained his PSS.

Note: Sergeant Wences recorded Officer Velasquez' PSS on BWV. Sergeant Wences indicated that at the time of the incident, he was under the mistaken belief that he was required to do so.

At the direction of Sergeant Udeshi, Newton Area uniformed GED Sergeant I Christopher Burke, Serial No. 36665, Unit 13G60, established a Command Post (CP) on 41st Street east of Avalon Boulevard. Sergeant Udeshi subsequently directed responding units to maintain positions of cover and to don their ballistic helmets. After the perimeter was established, Sergeant Udeshi contacted Metropolitan Division and requested the response of K9 personnel.

While at Metropolitan Division Station, K9 Sergeant II Michael Goosby, Serial No. 26964, received notification of the K9 request. He then contacted Sergeant Udeshi by telephone and was briefed. Due to the nature of the incident, Sergeant Goosby directed Metropolitan Division K9 Sergeant II Duane Aikins, Serial No. 30139, to notify Metropolitan Division Special Weapons and Tactics (SWAT) Lieutenant II Chester McMillion, Serial No. 25987, and request that SWAT respond. Sergeant Aikins also notified Metropolitan Division Captain III Leland Sands, Serial No. 25012, and Metropolitan Division K9 Lieutenant II Michael Carodine, Serial No. 24641, informing them that K9 personnel were responding to the incident.¹⁵

At approximately 2310 hours, K9 personnel arrived at the CP and were briefed by Sergeant Burke. Metropolitan Division K9 Police Officer III Mike Peters, Serial No. 30256, assumed responsibility as the primary K9 handler. To ensure the safety of residents at the location and provide medical treatment to the suspect in the event he had sustained a gunshot wound, Sergeant Goosby obtained approval from Sergeant Burke and Captain Sands to initiate an all K9 personnel search limited to 856 East 41st Street, where Jackson was last believed to have been seen by Arias. Sergeant Goosby also received approval from Captain Sands and Sergeant Burke for the search to be conducted without a K9 announcement being made. This was done in order to maintain a tactical advantage by not broadcasting their location to an armed suspect that had

¹⁴ Air Support Division Unit Air 16 Pilot Police Officer II+6 Ricardo Gutierrez, Serial No. 35086, and Tactical Flight Officer (TFO) Police Officer II+5 Jorge Juarez, Serial No. 34870, responded to the Help Call and arrived overhead at approximately 2213 hours.

¹⁵ Corey Jackson was taken into custody prior to the arrival of SWAT personnel. SWAT officers were not involved in the search or arrest of Jackson and therefore were not interviewed.

already shown a willingness to engage officers in gunfire and was likely aware that the police were actively searching for him.¹⁶

Prior to the K9 search, Sergeant Burke requested a Los Angeles Fire Department (LAFD) Rescue Ambulance (RA) respond to the CP to stand by in the event of an injury to officers or the outstanding suspect. At approximately 2340 hours, LAFD RA 814 staffed by Firefighters (FF) Bryan Medina and Jordan Cajiao arrived at scene and staged near Avalon Boulevard and 41st Street.

The initial search team was comprised of Sergeant Goosby, Officer Peters and his K9 Storm, Serial No. K9324, Metropolitan Division K9 Police Officers III Jeffrey Miller, Serial No. 27326, Alvaro Governale, Serial No. 40360, Hans Almaraz, Serial No. 27559, Thomas Call, Serial No. 27480, Alan Ramirez, Serial No. 33872, and Nhut Huynh, Serial No. 31499.¹⁷ ¹⁸

At approximately 2330 hours, as the K9 search team reached the intersection of 41st Street and McKinley Avenue, Air 16 was relieved overhead by ASD, Unit Air 3, staffed by Pilot Police Officer II+6 Gregory Duran, Serial No. 27766, and TFO Police Officer II+5 Courtney Pearson, Serial No. 39773.

Officer Pearson broadcast their overhead presence to the CP on the tactical frequency, Operation Central Bureau Tac 1 Channel 35, and began coordinating with Sergeant Goosby, to verify the location of the search. Officer Pearson utilized the airship's forward-looking infrared (FLIR) system to scan the properties around 856 East 41st Street.¹⁹

Officer Pearson observed an unidentifiable heat source under a trampoline in the rear yard of the property located immediately south of 856 East 41st Street. He broadcast his observation to K9 officers and the CP over the tactical frequency stating, "Ok. I'm up on the FLIR. It looks like to the rear of that property, so I think that's going to be 43 or whatever one street south is. Directly to the rear, underneath a trampoline, I have a large hot spot. I can't make out what it is, but it's a large hot spot." Officer Pearson also ensured that officers positioned in front of that location were aware of his observation.

¹⁶ Sergeant Goosby also contacted SWAT Lieutenant McMillion and conferred with him prior to initiating a search.

¹⁷ K9 Storm was a four-year old Belgian Malinois breed. He received full field certification in August of 2019. As of February 25, 2020, Canine Storm had 41 deployments, 19 of which resulted with Storm locating a suspect. Seven of those finds resulted in bite incidents, none of which rose to the level of a Categorical Use of Force.

¹⁸ Prior to the initiation of the search, all K9 officers donned their ballistic helmets and activated their BWV cameras.

¹⁹ Forward-looking infrared cameras detect infrared radiation, typically emitted from a heat source (thermal radiation), to create an image assembled for video output.

Officer Peters, in coordination with Sergeant Goosby, formulated a plan to search the yard where the heat source was located. They utilized a second police dog and search team to respond to 856 East 41st Street to establish containment of that location.

Officer Peters with K9 Storm, Sergeant Goosby, and Officers Miller and Governale, proceeded south to 41st Place, where they were directed to the residence at 845 East 41st Place by Air 3.²⁰ Officer Almaraz with K9 Nik, Serial No. K9318, and Officers Call, Ramirez, and Huynh responded to 856 East 41st Street.

At approximately 2348 hours, once Officer Almaraz' team had established containment on 41st Street, Officer Peters directed Storm to begin a search north in the driveway of 845 East 41st Place along the west side of the residence, toward the rear yard.

Sergeant Goosby unholstered his pistol at that point and held it in a low-ready search position. The team, with Officer Miller at point position, subsequently advanced north along the driveway to the northwest corner of the residence. As Officer Peters directed Storm's search, Storm left Officer Peters' view and went behind a parked pickup truck located immediately south of a trampoline at the east side of the yard. Officer Peters then heard screaming from who he believed was the suspect. He recalled, "*You know, it was obvious that my dog had found a suspect and from the screams and the -- the -- something about the dog, it was my belief that he was contacting the suspect because wasn't barking and the suspect was screaming, so it led me to believe that he was on a bite hold on -- of the suspect.*"²¹

Because the suspect was believed to be armed, Officer Peters commanded Storm to maintain his bite-hold until they could move to safe positions where they could see the suspect. Officer Peters explained, "*You know, I didn't want the dog to come off of him and come back to me and then give the suspect an opportunity to not be distracted and be able to harm himself or take aim on us.*"^{22 23}

Utilizing the pickup truck as cover, Officers Miller and Governale moved forward toward the sound of the screaming and covered Jackson, who was laying underneath the trampoline.

Officer Peters moved forward, behind Officers Miller and Governale until he observed Jackson lying on his back. Jackson was kicking his legs at Storm as Storm maintained a bite-hold on Jackson's foot. Officer Miller directed Jackson to show his hands and

²⁰ Officer Peters was armed with his Department-issued MP7 weapon system. Officer Miller was armed with his Department-issued AR-15 rifle. Officer Governale was armed with his Department-issued Benelli M4 shotgun. Sergeant Goosby was armed with his Department-approved Glock 17 pistol. All four also possessed a TASER.

²¹ Peters, Page 12, Lines 20-25.

²² *Id.*, Page 13, Lines 11-14.

²³ According to Officer Peters, LAPD K9s are trained to locate a suspect and bark. If the suspect attempts to flee or assault the dog, the dog is trained to bite and hold the suspect.

Jackson complied. Once Officer Peters verified with Officer Miller that Jackson's hands were in sight, he recalled Storm by giving the "Platz" command.²⁴ Storm released Jackson's foot after the first Platz command and returned to Officer Peters, who then placed him on a leash.

As Officers Miller, Govenale, and Peters covered Jackson with their weapons, Sergeant Goosby instructed Jackson to lie on his stomach with his hands in front of him and crawl out from under the trampoline toward them. After Jackson complied, Sergeant Goosby holstered his pistol and handcuffed Jackson without incident.²⁵



Image obtained from Sergeant Goosby's BWV

Once in custody, Sergeant Goosby walked Jackson to the front of the residence and asked Jackson if he had sustained a dog bite. Jackson informed Sergeant Goosby that the dog bit his right toe. As he walked Jackson to the intersection of 41st Place and McKinley Avenue, Sergeant Goosby broadcast that they had a suspect in custody and requested the RA, which was staged on Avalon Boulevard, to respond to his location.

²⁴ "Platz" is the commonly used verbal command for a police dog to heel and/or return to its handler.

²⁵ The search of the rear yard of 845 East 41st Place and Jackson being taken into custody was captured by Sergeant Goosby's, and Officers Peters, Miller, and Govenale's BWV cameras. The combined BWV footage was consistent with their statements. Sergeant Goosby's BWV footage most completely depicted the overall scene.

According to Sergeant Goosby, and as captured on his BWV camera, as they walked toward 41st Street and McKinley Avenue, Jackson spontaneously asked, “*What the fuck you sic the dog on me for? I was getting shot at.*” As Sergeant Goosby explained the use of the police dog, Jackson repeated, “*They were shooting at me.*”

Note: A field show-up was later conducted and Jackson was identified by Officers Zavala and Velasquez as the person who shot at them.

Officer Ramirez utilized K9 Layka, Serial No. K9247, to conduct an article search of 856 East 41st Street and then 845 East 41st Place. K9 Layka ultimately alerted to a space underneath a patio deck located immediately adjacent to where Jackson had been taken into custody. Officer Ramirez inspected that location and observed a semiautomatic pistol, which was later recovered by personnel from Forensic Science Division (FSD) Firearms Analysis Unit (FAU).

Force Investigation Division Detective II Christopher Linscomb, Serial No. 32289, reviewed the documentation, BWV, and circumstances surrounding the separation, monitoring, and admonition not to discuss the incident prior to being interviewed by FID investigators (Addendum No. 3).

Scene Description

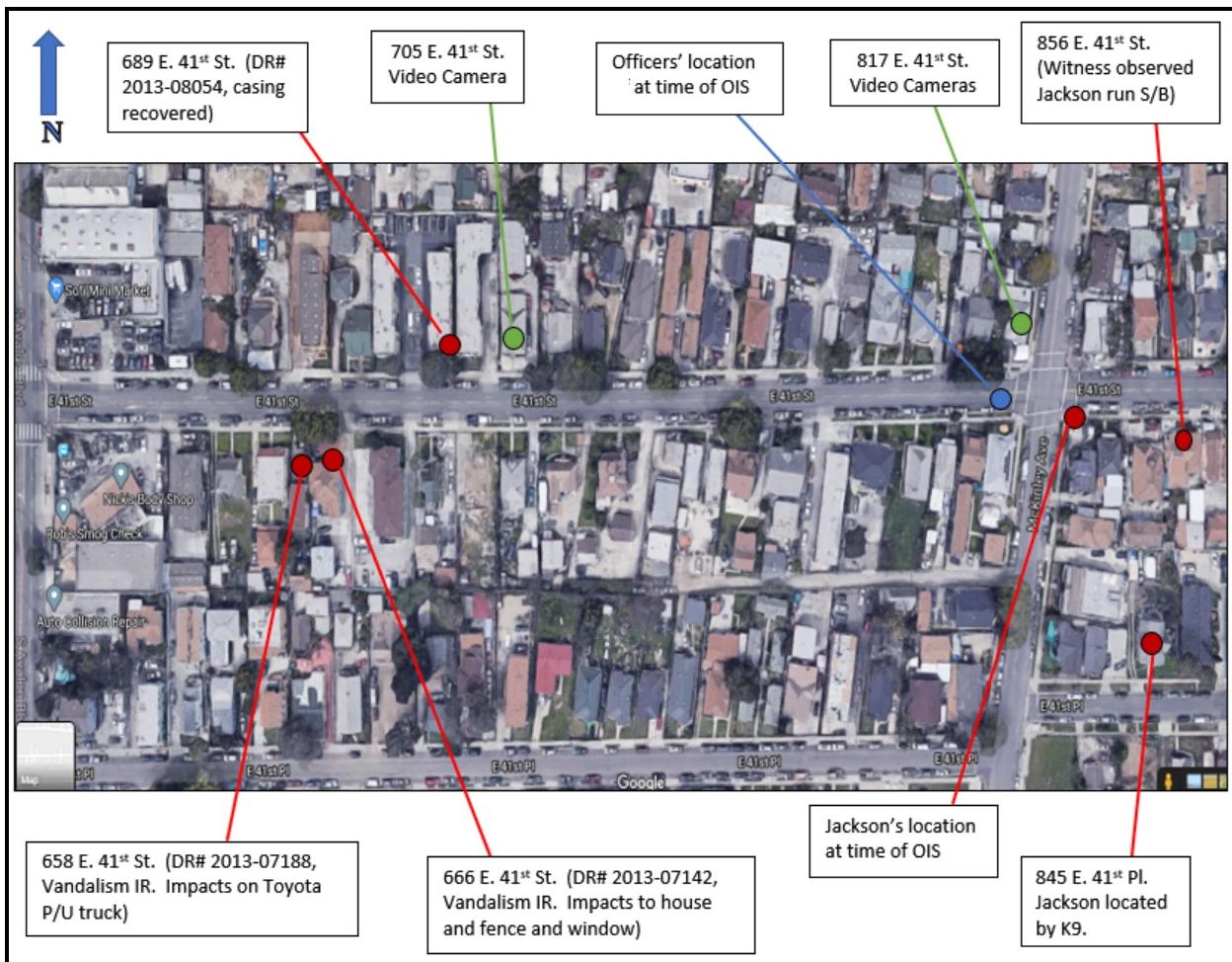
The intersection of 41st Street and McKinley Avenue was located one block east of Avalon Boulevard and two blocks south of Martin Luther King Jr. Boulevard. East 41st Street ran from east to west and McKinley Avenue from north to south. Both streets were comprised of a single lane of traffic running in each direction and were controlled by a four-way tri-light.

The area was primarily residential, consisting of single-family houses, duplexes and small apartment buildings. The block of 41st Street between Avalon Boulevard and McKinley Avenue was approximately 1180 feet in length. Both 41st Street and McKinley Avenue measured approximately 40 feet in width. At the time of the OIS, 41st Street was lined with parked cars.

The incident occurred during the hours of darkness. The intersection was illuminated by overhead streetlamps located at each corner of the intersection and ambient lighting from outdoor residential lighting fixtures.

Security video from 817 East 41st Street depicted that Jackson was illuminated by overhead lighting and the officers’ vehicle headlights as he fired at the officers.

[This space intentionally left blank.]



Aerial photo obtained from Google Maps

Canvass for Witnesses

On February 26, 2020, Newton Division and FID personnel canvassed the area for witnesses to the OIS. Subsequent canvasses were conducted by FID investigators on February 27th and 28th which produced additional interviews that included 12 witnesses who only heard gunshots. The number of gunshots heard by those witnesses ranged between seven and ten. Unless otherwise noted, all FID interviews were recorded, and the transcribed statements were included in this report.

[This space intentionally left blank.]

Suspect Information



Corey Da Ron Jackson was a male Black with black hair and brown eyes. At the time of the incident, he was approximately 6 feet 1 inch tall, and weighed approximately 160 pounds. Jackson was 18 years of age with a date of birth of March 18, 2001. He was identified by Criminal Information Index No. A36620478 and California Department of Motor Vehicles Identification No. Y7830018. Jackson had no prior LAPD Mental Evaluation Unit (MEU) contacts.

Jackson had a juvenile arrest history including detentions for 459 PC (Burglary), 594 PC (Vandalism), 215(a) PC (Carjacking), 245(a) PC (Assault with a Deadly Weapon), 211 PC (Robbery), and 10851(a) VC (Vehicle Theft) documented under Juvenile Automated Index No. 02450078 (Addendum No. 4).

On February 26, 2020, FID investigators completed an LAPD IR related to this incident titled, Attempted Murder of a Police Officer. The report, listing Jackson as the suspect, was given DR No. 2013-00252.

Jackson was arrested and booked for 664/187 (a) PC (Attempt Murder of a Peace Officer). On February 28, 2020, FID Detective II Jeffrey Martin, Serial No. 32877, presented the case to the Los Angeles County District Attorney's Office. Deputy District Attorney Keri Knittel filed two counts of 664/187 (a) PC (Attempt Murder of a Peace Officer), two counts of 245 (d)(2) PC (Assault with a Semiautomatic Firearm upon a Peace Officer), and one count of 246 PC (Shooting at an Occupied Motor Vehicle) (Addendum No. 5).

Injuries

No officers were injured during the incident.

Corey Jackson was not struck by gunfire. He did sustain a bite injury to his right foot and was treated and released at the scene by LAFD RA 814, FFs Medina and Cajiao, for abrasions to his right foot.

Evidence

On February 26, 2020, at approximately 0420 hours, FAU Supervising Criminalist Julia Wilkinson, Serial No. N4403, Criminalists II Jennifer Dorrel, Serial No. N5003, John Flores, Serial No. N6278, and Jane Kwon, Serial No. N4963, responded and conducted a forensic examination of the OIS scene. As a result of their examination, numerous items of evidence were collected including, a 9-millimeter semiautomatic pistol and a cellular telephone from the rear yard of 845 East 41st Place (Items 1 and 14). Four expended "Speer" 9-millimeter cartridge cases were collected from the street adjacent to 814 East 41st Street, west of McKinley Avenue (Item Nos. 16-19). Four "Speer" 9-

millimeter discharged cartridge cases were collected from the interior of Officers Zavala and Velasquez' police vehicle, Shop No. 81482 (Item Nos. 20-23).

Four "Tulammo Luger" 9-millimeter discharged cartridge cases were collected from the east crosswalk of East 41st Street and McKinley Avenue, and one "Tulammo Luger" 9-millimeter discharged cartridge case from the street at the intersection of 41st Street and McKinley Avenue (Item Nos. 24-28).

One fired bullet jacket fragment was collected from the street west of McKinley Avenue, adjacent to 814 East 41st Street, and one from the front left floorboard of the officers' police vehicle. Additional fired bullet jacket fragments were collected from the front of 848 and 835 East 41st Street, east of the intersection. One fired bullet was recovered in front of 836 East 41st Street and one from the driveway of 848 East 41st Street (Item Nos. 29-34).

Various items of clothing worn by Jackson at the time he was taken into custody were collected by FID investigators.

On February 26, 2020, Dee Dee Martinez, a resident of 856 East 41st Street, entered the Newton Area Police Station and provided the desk personnel with a bullet fragment she retrieved from the space between the trunk and rear window of her vehicle, which was parked in front of her residence. The fragment was booked as evidence under DR No. 2013-07168.

On March 6, 2020, a fired bullet fragment was collected from an impact on the north perimeter fence at 666 East 41st Street pursuant to a related vandalism investigation under DR No. 2013-07142.

On March 11, 2020, Matthew Elliot's vehicle was towed to the FSD laboratory. On March 12, 2020, Criminalist Dorrel conducted a forensic analysis of the vehicle and collected a fired bullet from inside of the front right tire. A second fired bullet was collected from the inside of the right, rear door panel. The bullets were booked as evidence (Item Nos. 1-2) under DR No. 2013-08054. An expended cartridge casing was also collected from the gutter in front of 689 East 41st Street during a subsequent canvass on March 14, 2020.

On March 17, 2020, during a forensic search of Officers Zavala and Velasquez' police vehicle, Criminalist Dorrel collected one fired bullet from inside the left muffler and one fired bullet from inside the front left tire (Addendum No. 6).

On February 25, 2020, FID Detective II Robert McCarty, Serial No. 31125, collected Gunshot Residue (GSR) samples from Jackson's hands.

On April 1, 2020, FSD Criminalist II Matthew Franzman, Serial No. N4672, prepared a laboratory report documenting his examination of the GSR sample collected from Corey Jackson's hands. The report indicated that GSR was present on that sample. Criminalist Franzman indicated that GSR can be acquired from discharging a firearm,

from being in the immediate vicinity of a firearm being discharged, or from coming in contact with a surface contaminated with gunshot residue (Addendum No. 7).

Weapons

Corey Jackson was armed with a 9-millimeter, SCCY Industries, model CPX-2, semiautomatic pistol, Serial No. 362291. It had a silver colored slide and a pink frame.

The pistol was collected by FSD Criminalist Dorrel from underneath the deck in the rear yard of 845 East 41st Place, immediately adjacent to Jackson's location when he was taken into custody. The pistol was found lying on its right side with the muzzle pointed in a southwest direction. A magazine was found fully inserted into the magazine well. There was no ammunition in the magazine or the chamber of the pistol.



On March 23, 2020, Technical Investigation Division (TID) Forensic Print Specialist III Maria Brion, Serial No. B8280, analyzed the pistol and magazine for latent prints. No latent prints were developed from the pistol. Photographs were taken of two latent prints on the magazine and were compared to Jackson. One photographed print excluded Jackson as providing the print. The second photographed print was not suitable for comparison (Addendum No.8).

Swabs of potential biological material were collected by Criminalist Dorrel from the pistol and magazine. The swabs were booked as evidence and later analyzed for the presence of deoxyribonucleic acid (DNA). They were then compared with a reference sample from Jackson.

On May 13, 2020, FSD Criminalist II Heather Simpson, Serial No. N4531, finalized a Serology/DNA Laboratory Report. She concluded that DNA profiles obtained from swabs of the pistol and magazine included undetermined numbers of contributors and that the DNA results were unsuitable for interpretation.

There was an insufficient amount of DNA to analyze from the five swabbed Tulammo cartridge cases (Addendum No. 9).

The Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center conducted a firearm trace of the above SCCY semiautomatic pistol. The summary of results determined that the firearm was purchased on June 25, 2016, in Surprise, Arizona by Jessica Marie Lindstrom. In March of 2019, Lindstrom reported that the SCCY semiautomatic pistol had been stolen.

Force Investigation Division Detective II Paul Inabu, Serial No. 30286, obtained a Phoenix Police Department Incident Report dated March 13, 2019, documenting the

incident. The report indicated that Lindstrom's vehicle had been burglarized and the pistol was stolen. No suspects were identified in the burglary report (Addendum No. 10).

Officer Zavala was armed with his Department-authorized 9-millimeter Smith & Wesson, Model M&P semiautomatic pistol with a mounted TLR-1 HL Streamlight lighting system. According to Officer Zavala, at the time of the OIS the pistol was loaded to capacity with 17 rounds of Department-approved Speer LE Gold Dot G2, 9-millimeter ammunition in the magazine and one round in the firing chamber.

Note: Officer Zavala's pistol was entered into the Firearm Inventory Tracking System (FITS) on November 3, 2015.

On February 26, 2020, FID Detective II David Bunch, Serial No. 38552, conducted a post-incident examination of Officer Zavala's pistol. The examination determined that the pistol was loaded with one round in the chamber and 11 rounds in the magazine which was consistent with Officer Zavala firing six rounds. Officer Zavala possessed two additional magazines which were loaded to capacity, each with 17 rounds of Department-approved ammunition.

On April 13, 2020, FSD Firearms Examiner Srinivasan Rathinam, Serial No. N3851, completed a report documenting the test-firing of Officer Zavala's pistol. The pistol was found to be functional and the trigger pull was within the Department's specifications (Addendum No 11).

Officer Velasquez was armed with his Department-authorized 9-millimeter Glock, Model 17 semiautomatic pistol with a mounted Surefire X300 Ultra lighting system. According to Officer Velasquez, at the time of the OIS the pistol was loaded to capacity with 17 rounds of Department-approved Speer LE Gold Dot G2, 9-millimeter ammunition in the magazine and one round in the firing chamber.

Note: Officer Velasquez' pistol was entered into the FITS on February 27, 2019.

On February 26, 2020, Detective Bunch conducted a post-incident examination of Officer Velasquez' pistol. The examination determined that the pistol was loaded with one round in the chamber and 15 rounds in the magazine, which was consistent with Officer Velasquez firing two rounds. Officer Velasquez possessed two additional magazines which were loaded to capacity, each with 17 rounds of Department-approved ammunition.

On March 17, 2020, Criminalist II Daniel Rubin, Serial No. G9077, completed a report documenting the test-firing of Officer Velasquez' pistol. The pistol was found to be functional and the trigger pull was within the Department's specifications (Addendum No. 12).

Firearms Analysis

Scene

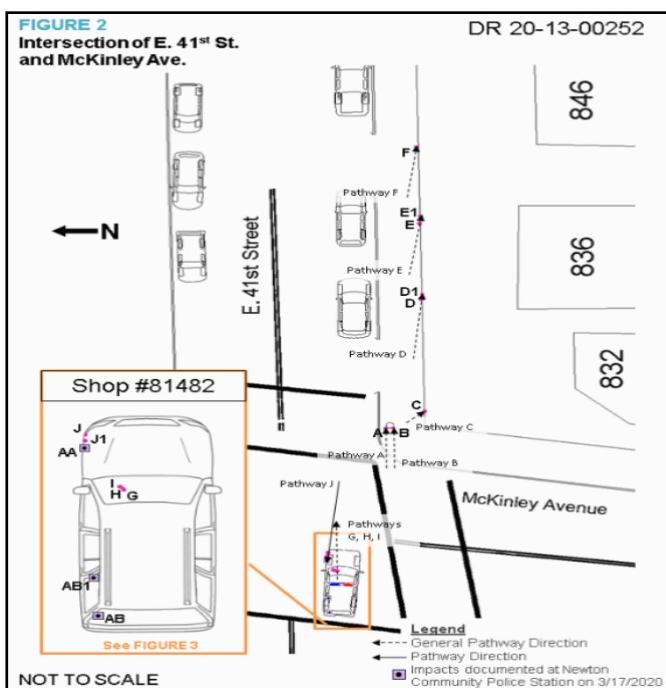
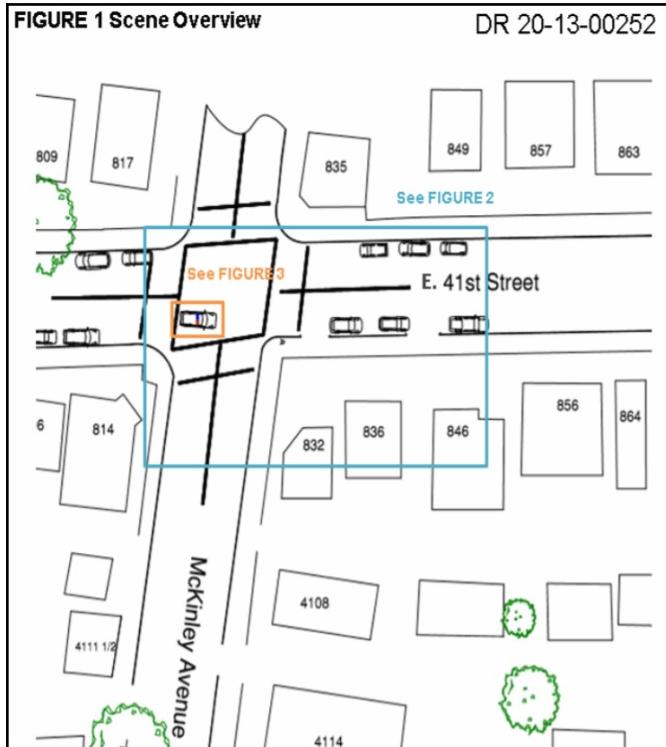
On February 26, 2020, FAU criminalists conducted a visual inspection of the area of the OIS for possible projectile related defects and performed a preliminary bullet path analysis of the OIS scene and documented multiple impacts.

On May 6, 2020, Criminalist Dorrel completed a Bullet-Path Analysis Report. Bullet impacts identified east of McKinley Avenue included two impacts on the streetlight pole located on the southeast corner of the intersection of 41st Street and McKinley Avenue (Impacts A-B). Impacts were also identified along the metal fences in front of 832 and 836 East 41st Street (Impacts C, D [D1], E [E1]), and a metal gate at the front of 846 East 41st Street (Impact F).

The direction of impacts documented east of McKinley Avenue were consistent with rounds fired from the firing positions of Officers Zavala and Velasquez at the time of the OIS.

Vehicles

Additional impacts were located on the officers' police vehicle (Shop No. 81482). Three identifiable impacts to the windshield were documented by Criminalist Dorrel (Impacts G-I). They were consistent with Officer Zavala firing from a seated position in the driver's seat of the police vehicle. An impact was also found on the front left bumper of the police vehicle that was associated with an impact of the front left, inner wheel well (Impact J [J1]) from a bullet that traveled from east to west and south to north. This was consistent



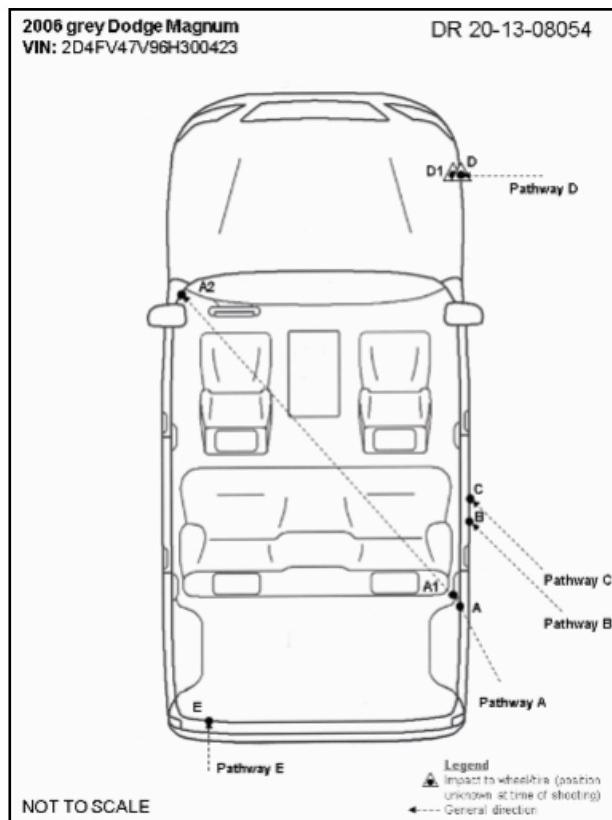
with a pathway from Jackson's position as seen on security video as he appeared to fire a handgun toward the officers.

On March 17, 2020, Criminalist Dorrel identified additional impacts located on the front left tire, left muffler, and the front surface of the left rear wheel well liner (Impacts AA, AB, AB1 respectively). The bullet paths appeared consistent with bullets fired from Jackson's position at the time of the OIS. The pathways were from front to back (east to west) and left to right.

A bullet path analysis was completed of Matthew Elliot's vehicle; a 2006 grey Dodge Magnum. A Laboratory Report associated with that vehicle examination was completed by Criminalist Dorrel identifying five bullet pathways labeled as Pathways A-E (including Impacts A [A1 and A2], B-D [D1], and E). Those pathways were consistent with shots predominantly fired from back to front and right to left at the passenger side of the vehicle as reported by Elliot (Addendum No. 14).

On May 14, 2020, FSD FAU Criminalist II Annette Woiwode, Serial No. N4427, completed a Bullet/Cartridge Case Comparison Report. Four discharged cartridge cases were collected from the scene adjacent to 814 East 41st Street, located at the southwest corner of the intersection with McKinley Avenue (Item Nos. 16-19). Two of those four cartridge cases matched test fired samples from Officer Zavala's pistol, and two matched test fired samples from Officer Velasquez' pistol. Four discharged cartridge cases collected from the interior of the officers' police vehicle (Item Nos. 20-23) matched test fired samples from Officer Zavala's pistol. This was consistent with the officers' statements and BWV footage.

Five discharged Tulammo discharged cartridge cases collected from the east side of the intersection of 41st Street and McKinley Avenue (Item Nos. 24-28) were determined to have been fired from the 9-millimeter SCCY pistol collected from the rear yard of 845 East 41st Place. Also, one discharged cartridge case collected from the north side of the street in front of 689 East 41st Street, near the area where Matthew Elliot's vehicle was observed in security video from 705 East 41st Street (Item 4, DR No. 2013-08054), was determined to have been fired from the same 9-millimeter SCCY pistol.



A bullet jacket fragment (Item No. 29) collected from the street adjacent to 814 East 41st Street, at the southwest corner of 41st Street and McKinley Avenue, and two fired bullets, one collected from inside the left muffler and one from the front left tire of the officers' police vehicle were also determined to have been fired from the 9-millimeter SCCY pistol (Item Nos. 29, 45-46).

The two fired bullets collected from Elliot's vehicle, one from inside of the front right tire and one from inside of the right rear door panel (Item Nos. 1-2, DR No. 2013-08054) were also determined to have been fired from the 9-millimeter SCCY pistol (Addendum No. 15).

On April 24, 2020, Criminalist Woiwode completed a report memorializing the examination and test firing of Jackson's pistol. She determined that the pistol functioned as designed. The test-fired cartridges from the pistol were entered into the National Integrated Ballistics Information Network (NIBIN).

Visual Documentation

Digital In-Car Video System

Digital In-Car Video System (DICVS) footage from Officers Zavala and Velasquez' vehicle, Shop No. 81482, was reviewed. The DICVS camera was not activated until approximately 2212 hours; after the OIS had occurred and Sergeants Udeshi and Wences had arrive at scene. According to Officer Zavala, he activated the DICVS as soon as it became feasible after being occupied by duties to control the scene and broadcast pertinent information to responding units. The video depicted the area of the southeast corner of the intersection and general crime scene activity. Remaining DICVS footage from responding units was post-incident and depicted general crime scene activity and had no investigative value.

Body Worn Video

All significantly involved officers in this incident were equipped with BWV cameras.

Officers Zavala and Velasquez activated their BWV cameras immediately following the OIS. According to both officers, they activated their cameras as soon as feasible and had not intended to make public contact prior to being fired upon. Their BWV footage, including a two-minute buffering period, captured the entire time span of the OIS and depicted the officers' positions as they fired. Images of Jackson; however, were not captured on either of their BWVs. Video footage from the K9 officers' BWV captured their search efforts and Jackson being taken into custody.

The BWVs of officers mentioned in this administrative summary were reviewed in detail for compliance with the Office of Constitutional Policing and Policy Notice entitled, Powering Off Body Worn Camera Devices While in Department Facilities, dated December 20, 2018, as well as compliance with section 3/579.15 of the Department

Manual – Objectives of Body Worn Video (Investigators’ Note No. 3) and (Investigators’ Note No. 4).

Force Investigation Division investigators reviewed BWV footage from an additional 45 officers that responded to this incident. Unless otherwise noted, FID investigators found the footage from those additional officers’ BWV cameras to have no investigative value. They were not evaluated for BWV deviations.

Social Media

Personnel assigned to FID’s Cyber Unit monitored social media sites from the date of the incident until the submission of this administrative summary. No additional evidence, information or witnesses were identified.

During witness Matthew Elliot’s interview with FID investigators, he advised he had observed a video covering the aftermath of this incident on the “Citizen App”. Force Investigation Division Cyber Unit Police Officer II John Sewell, Serial No. 36614, attempted to locate that video, but was unsuccessful.

Outside Video

Video footage of this incident was captured by security cameras mounted to the south and east facing walls of an apartment building located at 817 East 41st Street, on the northwest corner of 41st Street and McKinley Avenue. The video was retrieved by TID Electronics Unit personnel on February 28, 2020 and vaulted under TID Control No. 752446.

Referenced security video obtained from 705 East 41st Street was retrieved by FID investigators on March 14, 2020 and vaulted under TID Control No. 670978.

Photographs

On February 26, 2020, TID Photographer III Garry Brod, Serial No. N1328, responded to, and photographed the scene under TID Control No. D0796880.

On March 11, 2020, TID Photographer III Tatiana Ortiz, Serial No. N6296, responded to Matthew Elliot’s residence with FID investigators and photographed the condition of Elliot’s vehicle under TID Control No. D0796977. The vehicle was towed to the FSD Forensic Science Center Laboratory. On March 12, 2020, TID Photographer III Renato Viduya, Serial No. N1332, photographed the forensic examination of that vehicle and the recovery of fired bullets from the right rear door panel and right front tire under TID Control No. D0796979.

On March 17, 2020, TID Photographer Viduya photographed the forensic examination of Officers Zavala and Velasquez’ police vehicle (Shop No. 81482) at Newton Area garage. The photographs depicted the recovery of bullets from the front left tire and left muffler under TID Control No. D0797053.

Vandalism investigations enumerated under DR Nos. 2013-07142 and 2013-07188, related to the shooting that preceded the OIS, were photographed under TID control Nos. D0796964 and D0050201 respectively.

Notifications

On February 25, 2020, at approximately 2238 hours, Newton Division Captain I Hamed Mohammadi, Serial No. 36506, notified the Department Operations Center (DOC) of the OIS (Addendum No. 17).

Personnel at Scene

Force Investigation Division Sergeant II Jess Falk, Serial No. 38231, was the first FID investigator to arrive at the scene at approximately 0025 hours. Incident recall printouts and a crime scene log documenting personnel that responded to the incident are contained within the FID case file and are available for review.

Communications

A copy of the CD printout relative to this incident (Incident No. 20022500006610) is on file at FID. Digital recordings of Newton Division frequency and Operation Central Bureau Tac 1 Channel 35, spanning the time of this incident, are also on file at FID.

The digitally recorded interviews of the involved and percipient officers and civilian witnesses were stored in the Training Evaluation and Management System (TEAMS II) database.

Justice System Integrity Division

This incident did not meet the criteria for submission to the Los Angeles County District Attorney's Office Justice System Integrity Division (JSID).

Investigators' Notes

1. Force Investigation Division Criminal Apprehension Team (CAT) obtained security video footage from a camera mounted to the exterior, south facing wall of a building located at 705 East 41st Street. The video depicted flashing lights, appearing to be from Elliot's vehicle, enter the camera view at approximately 2206:23 hours, according to the video's time stamp. At approximately 2207:44 hours, Elliot's vehicle was captured traveling west and stopping in front of 705 East 41st Street, then reversing (east) out of view. After approximately 25 seconds, the vehicle traveled west again and moved out of the video frame. At approximately 2208:40 hours, two individuals, both dressed in hooded sweatshirts, were captured running east along the north sidewalk of 41st Street, then out of view. Six seconds later, two sparks, appearing to be possible bullet ricochets, were observed on the street moving from east to west. Officers Zavala and Velasquez' police vehicle was then captured traveling east on 41st Street approximately 37 seconds later.

The accuracy of the video's time stamp could not be verified but appeared to fall within one minute of the time reflected on the involved officers' BWV. The video frame rate was approximately 20 frames per second.

2. Two IRs were taken for Vandalisms that occurred during the evening of February 25, 2020, at the front of residences on the south side of 41st Street. The front window of the residence located at 666 East 41st Street was struck by gunfire and was documented under DR No. 2013-07142. A bullet fragment was recovered from the front wrought iron fence at the property. The fragment was found to have limited comparative value during a subsequent forensic examination.

A Toyota pickup truck, parked on the street in front of 666 East 41st Street, was also struck by gunfire. The incident was documented under DR No. 2013-07188. The property at 666 East 41st Street was situated on the opposite (south) side of the street from, and approximately three properties west of 705 East 41st Street.

3. The investigation determined Sergeant Udeshi did not activate his BWV during his Code Three response to the OIS. However, Sergeant Udeshi did activate his BWV soon after arriving at the scene, and his response from Newton Station was captured by the BWV buffer. On September 24, 2020, the Commanding Officer of Force Investigation Group, Commander Timothy Nordquist, Serial No. 35492, forwarded the above information to the concerned Office Director.

Additionally, Sergeant Udeshi advised he viewed his BWV prior to his interview with FID in order to get ready for his interview. He added that his BWV was not locked, and he was not told he could not watch it.

Similarly, Sergeants Hines and Burke also indicated they viewed their BWVs prior to being instructed to do so by FID. They indicated they did so to refresh their recollection in preparation for their FID interviews. Sergeant Burke also viewed the BWV of Newton Patrol Division uniformed Sergeant I Zadi Borquez, Serial No. 40556, in preparation for his FID interview, because Sergeant Borquez had assisted him with his duties at the CP.²⁶ It should be noted that at the time Sergeants Hines and Burke viewed their respective BWVs, they had not been given an order by FID prohibiting them from doing so and were not considered to be substantially involved personnel.

4. Officers Governale and Miller both advised they watched portions of their BWV prior to learning FID would assume investigative responsibility for the K9 Contact portion of the incident. Both officers indicated that watching their BWV after a K9 Contact was standard in order to facilitate the completion of their reports. Force Investigation

²⁶ Sergeant Borquez was not interviewed for this investigation, because it was determined that he only assisted with the CP and other ancillary duties and did not possess any additional information of investigative value.

Division Detective III Timothy Grabe, Serial No. 32649, did not advise Sergeant Goosby that FID would assume investigative responsibility of the K9 Contact until after FID had arrived at scene.

FID Supplemental Report²⁷

On page eight of the investigative summary, it is indicated that, "Sergeant Udeshi immediately assumed the role of Incident Commander (IC)." It should be noted that Sergeant Udeshi did not make that fact known verbally but did act as the IC for the immediate tactical portions of the incident, such as setting up a perimeter, ensuring separation of involved personnel, and making notifications. As stated in the investigative summary, Sergeant Udeshi directed Sergeant Burke to set up the Command Post (CP).

Sergeant Burke did set up the CP over 1000 feet from the OIS location and began taking responsibility for the administrative functions associated with the incident, such as setting up the command board, triaging potential suspects detained within the perimeter, and liaising with K9 and SWAT personnel, including the eventual approval of the K9 plan.

Sergeant Burke did not declare himself as the IC but believed that he and Sergeant Udeshi were co-ICs. On page 30 of Sergeant Burke's transcribed statement, he advised, "I mean he (Sergeant Udeshi) had the operational aspect. I was handling the CP aspect of it." He went on to say that he and Sergeant Udeshi were working in conjunction with one another in a collaborative effort. Sergeant Burke stated, "I can't say anybody designated themselves IC but we were all working together as a team."

Force Investigation Division investigators determined neither Sergeants Udeshi nor Burke notified Communications Division that they were the IC.

FID Supplemental Report²⁸

On Thursday, November 12, 2020, Force Investigation Division (FID) investigators interviewed Metropolitan Division K-9 Sergeant II Duane Aikins, Serial No. 30139, about his involvement in this incident. Sergeant Aikins indicated he obtained approval of the K-9 search plan, including a waiver to forgo a K-9 announcement prior to the search, from Newton Patrol Division Sergeant I Christopher Burke, Serial No. 36665. According to Sergeant Aikins, he believed Sergeant Burke was the Incident Commander when he obtained approval.

²⁷ On November 10, 2020, the Commanding Officer, FID issued a supplemental report regarding this case.

²⁸ On November 17, 2020, the Commanding Officer, FID issued a supplemental report regarding this case.

CHIEF OF POLICE REPORT²⁹

Chief of Police Findings

Tactics – Tactical Debrief, Sergeants Udeshi and Burke, and Goosby, and Officers Zavala, Velasquez, and Peters.

Drawing/Exhibiting – In Policy, No Further Action, Sergeant Goosby and Officers Zavala, Velasquez, and Peters.

Lethal Use of Force – In Policy, No Further Action, Officers Zavala and Velasquez.

Chief of Police Analysis

Detention

- Officers Zavala and Velasquez heard what they believed to be fireworks or gunshots near the intersection of 41st Street and McKinley Avenue. Upon approaching the area, they observed smoke in the street and believed it was the result of a vehicle backfire. Driving further eastbound towards McKinley Avenue, Officers Zavala and Velasquez observed Jackson standing on the southeast corner holding a handgun. Jackson raised and pointed the handgun directly at Officers Zavala and Velasquez. Jackson fired his handgun at Officers Zavala and Velasquez resulting in an OIS. Jackson fled eastbound on the south sidewalk and out of sight of Officers Zavala and Velasquez. After a containment perimeter was established, Jackson was located by Officer Peters with K-9 Storm. The actions of Officers Zavala, Velasquez, and Peters' detention of Jackson were appropriate and within Department policies and procedures.

Tactics

- Department policy relative to a Tactical Debrief is: "*The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance.*"

Department policy relative to Administrative Disapproval is: "*A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training*" (*Los Angeles Police Department Manual, Volume 3, Section 792.05*).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident

²⁹ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication (Los Angeles Police Department, Use of Force - Tactics Directive No. 16, Tactical De-Escalation Techniques, October 2016).**

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Although Officers Zavala and Velasquez had not worked together on a prior occasion, on the day of the incident they discussed previous tactical incidents in which they had been involved and what aspects could have been improved. Additionally, Officers Zavala and Velasquez discussed their weapon systems as well as *less lethal* force options including the deployment of the TASER.

Upon arrival at the incident, Sergeant Udeshi immediately began formulating a plan. Sergeant Udeshi was briefed by Officers Zavala and Velasquez and afterwards assigned supervision roles and communicated his plan with the supervisors at scene. Sergeant Udeshi directed Sergeants Wences and Hines to separate, monitor, obtain PSSs, and transport Officers Zavala and Velasquez to the CP. Sergeant Udeshi assigned Sergeant Burke to set up a CP and assisted in the establishment of the perimeter in coordination with ASD.

Sergeant Goosby was involved in the planning of the K-9 search and conferred with Officer Peters regarding the tactical plan for the search. While at the CP, Sergeant Goosby proceeded to contact Sergeant Aikins where they discussed how the K-9 team would proceed to search for Jackson.

Assessment – While being fired upon, Officers Zavala and Velasquez conducted assessments of their positions and their need to effectively utilize cover. Officer Zavala determined the police vehicle provided the best cover. Officer Velasquez

drew his service pistol, opened his front passenger door, exited, and utilized the door as cover. Officer Velasquez turned towards the back of the police vehicle and redeployed to the rear. Additionally, Officers Zavala and Velasquez assessed the situation between their rounds of fire and afterwards. Officers Zavala and Velasquez also considered their background at the time of shooting at Jackson.

Sergeant Udeshi assessed the incident and gathered information from Officers Zavala and Velasquez regarding Jackson. Sergeant Wences assessed Officers Zavala and Velasquez for injury, and then gathered pertinent information from both officers regarding to OIS.

Once the K-9 search team located Jackson, Sergeant Goosby and Officer Peters conducted assessments of the tactical incident. Jackson's position, movements, and actions were assessed and the K-9 search team coordinated with each other and took Jackson into custody.

Time – Officers Zavala and Velasquez became involved in a rapidly evolving incident which was initiated when Jackson fired upon them. During this short time, Officers Zavala and Velasquez held their positions at their police vehicle as they waited for backup units.

Sergeant Udeshi utilized time to his advantage upon arrival to the OIS location. Sergeant Udeshi gathered a large amount of information and broadcast to CD to notify responding units of all pertinent information. Additionally, Sergeant Udeshi requested a perimeter and gave orders to responding supervisors, giving them each an assignment. Sergeant Burke utilized additional time to brief responding entities, such as K-9 officers, SWAT, LAFD, and command staff as they arrived at the CP. During that time, Sergeant Burke received and relayed information from Sergeant Udeshi to update command staff at the CP. Both Sergeants Udeshi and Burke utilized time to coordinate together and with additional resources.

Redeployment and/or Containment – Officer Zavala requested the area to be contained after Jackson fled on foot. Officer Zavala requested a perimeter to be set immediately after the OIS. Officers Zavala and Velasquez both redeployed to positions of better cover after the OIS. Officer Velasquez re-entered his police vehicle and sat on the front passenger seat while Officer Zavala also returned and entered the driver seat. Officer Zavala slowly drove his police vehicle forward towards the southeast corner of the intersection and utilized the engine block of their police vehicle as cover as they redeployed their police vehicle to another position.

Sergeant Udeshi arrived at the scene of the OIS and determined Jackson had fled and containment was needed. Sergeant Udeshi was assisted by ASD in establishing a perimeter to contain Jackson.

Once Jackson was located by the K-9 search team, the search team redeployed to establish a position of tactical advantage on Jackson. The K-9 search team took Jackson into custody while redeploying their positions and by recalling K-9 Storm.

Other Resources – Following the officers' actions of returning gunfire at the suspect, Officer Zavala notified Communications Division and requested a perimeter.

Sergeant Udeshi utilized the resource of additional supervisors and directed Sergeants Wences and Hines to separate, monitor, and obtain PSSs from Officers Zavala and Velasquez. Sergeant Udeshi coordinated with ASD to establish a perimeter. Sergeant Udeshi directed Sergeant Burke to establish a CP. Sergeant Udeshi contacted Metropolitan Division to notify them of the incident and requested K-9 resources to respond to the scene due to Jackson still being outstanding and having fired upon Officers Zavala and Velasquez. Sergeant Goosby coordinated with ASD to find and later detain Jackson.

Sergeant Burke, while acting as the incident commander, approved the K-9 search plan which did not include SWAT personnel. Given the violent actions of Jackson, the Chief would have preferred for Sergeant Burke to have utilized the time afforded to him to wait for and include SWAT personnel as part of the K-9 search plan.

Sergeant Goosby, while assigned as supervisor of the K-9 unit, approved the K-9 search plan which did not include a K-9 deployment announcement or SWAT personnel. Given the violent actions of Jackson, the Chief would have preferred for Sergeant Goosby to have ensured that a K-9 deployment announcement was made and to have utilized the time afforded to him to wait for and include SWAT personnel as part of the K-9 search plan.

Lines of Communication – Officers Zavala and Velasquez initially did not know the specific location from which the sound they believed to be either firecrackers or gunshots was coming from. Since there was no known location of the sound the UOFRB would have preferred that Officers Zavala and Velasquez broadcast that possible shots had been fired in the area for the safety and information of other officers who could have been nearby. Officer Zavala communicated to responding officers by giving them additional information regarding the suspect's direction of travel and directed responding units to respond eastbound. Officer Zavala broadcast a perimeter request and advised that a citizen reported seeing a suspect running through the houses between McKinley Avenue and Central Avenue. Sergeant Udeshi communicated with Officers Zavala and Velasquez and gathered information about the OIS. Sergeant Udeshi communicated with Metropolitan Division K-9 requesting K-9 resources to respond. Sergeant Goosby directed Sergeant Aikins to contact Lieutenant McMillion to request the response of SWAT. Sergeant Goosby established lines of communication with the resident of the search location to ensure her safety and the safety of her dog, which Sergeant Goosby asked be taken into the residence to avoid conflict between it and K-9 Nik.

The UOFRB discussed that the tactical situation was dictated by Jackson's actions in which he pointed and fired a handgun at Officers Zavala and Velasquez. Since Jackson's actions were unexpected, Officers Zavala and Velasquez had to react immediately to defend their lives. Officers Zavala and Velasquez, despite being at a disadvantage, continued to assess their options for cover, their rounds of fire, and their shooting background. After the OIS, Officers Zavala and Velasquez planned together by communicating with each other and determined they would utilize their police vehicle's engine block as cover while Officer Zavala slowly drove their vehicle closer to the intersection. Officers Zavala and Velasquez also communicated with each other to ensure neither had been shot. The UOFRB also noted Sergeants Udeshi and Burke's continuous communication effectively ensured all important aspects of the incident were addressed such as the officer's safety, their separation and monitoring, and the coordination of responding units such as K-9 and SWAT.

The UOFRB noted there was strong lines of communication among the members of the K-9 search team. Their thoroughness allowed for quick adjustment to the fluid situation and the quick apprehension of Jackson. Sergeants Goosby and Burke discussed many aspects of the K-9 search plan including conducting the search without a K-9 announcement. Sergeants Goosby and Burke also communicated with Captain Sands to gain approval for the configuration of the K-9 search team. Additionally, Sergeant Goosby and Officer Peters continued to assess K-9 Storm's contact demonstrating a concern for Jackson's wellbeing.

During the review of the incident, the following Debriefing Topics were noted:

Debriefing Point No. 1 Code Six

When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.

Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the dispatcher additional circumstances which will make the unit unavailable for assignment to a priority call. These circumstances may include:

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a backup, assistance, or help location.*

Note: *The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).*

Officers Zavala and Velasquez did not advise Communications Division (CD) of their Code Six location prior to engaging Jackson.

The purpose of broadcasting a Code Six location is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. Vehicle and pedestrian stops can be dangerous, as the identity and actions of a person stopped is often unknown, and as in the case being reviewed, their actions can be unpredictable.

In this case, Officers Zavala and Velasquez were patrolling in the area of Avalon Boulevard and 41st Street. The officers heard the sounds of what they believed to be either gunshots or fireworks coming from an unknown location. The officers were unsure of the exact nature of the sounds and the location. They turned eastbound onto 41st Street and approached the next intersection at McKinley Avenue. This incident rapidly escalated as Jackson fired upon the officers, striking their police vehicle. Both officers discharged their firearms to protect themselves from the imminent threat of serious bodily injury or death. Once it became practical, Officer Zavala broadcast, "Officer needs help," to CD.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that Officers Zavala and Velasquez' decision not to advise CD of their Code Six location was not a deviation from approved Department tactical training. In order to enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Utilization of Cover

Cover is defined as any object that will stop the opponent's bullets. Officers should attempt to seek cover when involved in any tactical situation and especially when there are weapons involved. Officers should be aware of what items in their surrounding areas can be used as cover and what type of cover is required to stop certain rounds (handgun, shotgun, or rifle rounds). (Los Angeles Police Department Basic Firearms Manual, January 2014).

After the OIS occurred and Jackson fled to an unknown location, Officer Velasquez left his position of cover behind the ballistic panel of his police vehicle's front passenger door. Officer Velasquez walked in a southeasterly direction from his police vehicle, parked north of the southbound traffic lane near the southwest corner of 41st Street and McKinley Avenue. Other alternative positions of cover were not available to Officer Velasquez. Officer Velasquez walked to the center divider of McKinley Avenue, south of 41st Street. Officer Velasquez returned to his position of cover at the passenger door. Officer Velasquez left his position of cover a second time, walking in a southerly direction, while maintaining a parallel position relative to his passenger door, as he looked in Jackson's last known direction of travel. Officer Velasquez did not have the benefit of cover while doing so.

The UOFRB noted Officer Velasquez initially utilized his ballistic panel when redeploying from his front passenger seat towards the rear of his police vehicle and

again when he returned to his front passenger seat. Officer Velasquez stated that he utilized the engine block as cover while Officer Zavala drove their police vehicle slowly forward, closer to the intersection to get a better view of the area. Later, as Officers Zavala and Velasquez tried to get a closer look at a hedge near the southeast corner of the intersection, Officer Velasquez described utilizing the engine block as cover.

The UOFRB determined his actions and statements demonstrated that Officer Velasquez maintained situational awareness and he understood the importance of utilizing cover. The UOFRB noted that Officer Velasquez, when leaving cover on both occasions, had done so with caution and maintained a close position to his passenger door/ballistic panel. Additionally, Officer Velasquez' movements were in balance for the safety of himself and Officer Zavala, in an attempt to gain a visual of Jackson's last known location. The UOFRB noted Officer Velasquez continued to assess as he moved away from cover and towards the intersection.

Based on the totality of circumstances, the UOFRB determined, and the Chief concurred, that while identified as an area for improvement, Officer Velasquez' actions were not a deviation from approved Department tactical training. To enhance future performance, the Chief directed that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Shooting Through Front Windshield – Officer Zavala, while approaching the intersection of 41st Street and McKinley Avenue, observed Jackson raise a handgun and fire multiple rounds at Officers Zavala and Velasquez. Officer Zavala stopped his police vehicle west of the intersection and believed that Jackson's rounds were striking his police vehicle. Officer Zavala, while maintaining in a seated position in the front driver's seat, drew his service pistol and fired through the front windshield of his police vehicle. Officers are reminded that shooting through a windshield can degrade the accuracy and performance of their rounds. The rounds can also cause debris and fragments of the windshield to enter into the police vehicle, along with subjecting officers to the sound of gunfire. The Chief directed this to be a topic of discussion at the Tactical Debrief.

Incident Commander – Sergeants Udeshi and Burke arrived after the OIS and assumed the responsibilities of Incident Commander. Sergeant Udeshi remained near the OIS location while Sergeant Burke set up the CP and briefed incoming personnel, including K-9 officers. Neither Sergeants Udeshi nor Burke declared themselves to be the IC. Supervisors are reminded of the importance of declaring themselves as IC to avoid confusion and to implement clear command and control of the incident. Other entities, in this case K-9 personnel, are required to seek approval from the IC regarding some portions of their tactical operations. The Chief directed this to be a topic of discussion at the Tactical Debrief.

Supervisor Responsibilities – Sergeant Goosby, while with the K-9 search team, assigned himself to be the rear-guard position of the K-9 search team formation. After K-9 Storm located Jackson hiding underneath a trampoline, Sergeant Goosby gave Jackson commands to which Jackson complied. Sergeant Goosby handcuffed and escorted Jackson from the location, with the assistance of another K-9 officer, to a nearby police vehicle to wait for medical treatment by LAFD. During this incident, there were additional K-9 officers available to take these active roles from Sergeant Goosby to allow him to remain focused solely on supervising the operation.

Supervisors are reminded to prioritize command and control, when feasible, over engaging with a suspect. This issue was brought to the attention of Captain C. Valenzuela, Serial No. 33440, Assistant Commanding Officer, Metropolitan Division, who advised that this issue was addressed through the generation of a Supervisor Action Item (SAI) and Informal Counseling. The Commanding Officer of Counter – Terrorism and Special Operations Bureau (CTSOB) and the Director of the Office of Special Operations (OSO) concurred with this action. The Chief directed this to be a topic of discussion at the Tactical Debrief.

Less-Lethal Force Options – Sergeant Goosby accompanied a K-9 search team that eventually located and apprehended Jackson. After the search was complete, Sergeant Goosby realized that his team was only equipped with a less lethal force option of a TASER. Sergeant Goosby was aware the additional K-9 search team, who was not assigned to conduct a search, was in possession of a Beanbag shotgun. Sergeants are reminded to utilize available resources and consider having additional less lethal force options, such as a Beanbag shotgun. This issue was brought to the attention of Captain Valenzuela, who advised that this issue was addressed through the generation of a SAI and Informal Counseling. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. The Chief directed this to be a topic of discussion at the Tactical Debrief.

- **Command and Control**

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained enough situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and

make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).

Officer Zavala was the senior officer of the primary unit. After the OIS, Officer Zavala began broadcasting pertinent information to CD and responding units. Officer Zavala began setting up a perimeter after Jackson fled on foot to an unknown location. Officer Zavala also ensured Sergeants Udeshi and Wences were briefed upon their arrival and identified himself and Officer Velasquez as being involved in the OIS, the number of rounds that had been fired, Jackson's last known location, and information provided by a resident on Jackson's possible location.

Officer Peters responded with K-9 Storm to conduct a search for Jackson, who had fled from the OIS location. After receiving notification of a potential location for Jackson, Officer Peters, along with K-9 Storm and his search team, initiated a search. After K-9 Storm contacted Jackson, Officer Peters commanded K-9 Storm to maintain a bite hold while he and his search team redeployed to positions of cover. Once Jackson was compliant, Officer Peters gave K-9 Storm the Platz command to release his bite hold and return to Officer Peters. Officer Peters immediately leashed K-9 Storm and had no further contact with Jackson.

The UOFRB reviewed Officer Peters' decision to have K-9 Storm maintain a bite hold and determined that it was a sound decision which demonstrated Officer Peters' awareness of officer safety. The UOFRB noted that the bite hold was not sustained and was intermittent as Jackson continued to resist by kicking his legs. Officers Peters clearly communicated with Sergeant Goosby to ensure that Jackson's hands could be observed and were not holding a firearm. Officer Peters continued to coordinate with members of the K-9 search team to take Jackson into custody without further incident. Calling K-9 Storm back prior to the officers taking cover would have placed the search team in a situation which could have required them to engage in additional force with Jackson. However, Officer Peters also demonstrated a sense of urgency to recall K-9 Storm as quickly as possible to minimize any harm to Jackson. The UOFRB reviewed the deployment and actions of K-9 Storm and determined that K-9 Storm was a valuable tool and was utilized effectively.

The actions of Officers Zavala and Peters were consistent with Department training and the Chief's expectations of senior officers during a critical incident.

Sergeant Udeshi, while at the Newton CPS, heard Officer Zavala's shots fired call being broadcast over Newton Area base frequency. Sergeant Udeshi responded with Sergeant Wences from Newton CPS to Officers Zavala and Velasquez' location. Sergeant Udeshi ordered Officers Zavala and Velasquez to maintain their positions of cover as Sergeant Udeshi spoke to them. Sergeant Udeshi immediately gathered information from Officers Zavala and Velasquez regarding Jackson, the outstanding suspect. Sergeant Udeshi was briefed by Officers Zavala and Velasquez about the OIS that had occurred. Sergeant Udeshi directed Sergeants Wences and Hines to separate, monitor, and obtain a PSS from Officers Zavala and Velasquez. Sergeant Udeshi coordinated with the air unit to establish a perimeter. Sergeant Udeshi directed Sergeant Burke to establish a CP. Sergeant Udeshi directed all personnel at scene to utilize cover and to don their ballistic helmets. Sergeant Udeshi contacted METRO to notify them of the incident and to request K-9 resources to respond to the scene due to Jackson still being outstanding and having fired at Officers Zavala and Velasquez. Sergeant Udeshi briefed METRO, K-9. Sergeant Udeshi remained at the scene until he was directed by Sergeant Burke to respond to two radio calls indicating Jackson was possibly at the location.

Sergeant Burke arrived at the scene of the OIS and met with Sergeant Udeshi. Sergeant Burke, at Sergeant Udeshi's direction, began to set up the CP and chose the location of 41st Street and Avalon Boulevard. Sergeant Burke established the CP and, upon their arrival, briefed K-9 officers on the OIS. Sergeant Burke determined that due to the circumstances of the incident, Jackson needed to be apprehended without delay. Therefore, Sergeant Burke approved the initiation of the K-9 search without the addition of SWAT personal. Sergeant Burke also approved the omission of the K-9 announcement, also due to the circumstances of the incident. Sergeant Burke, prior to the initiation of the K-9 search, requested a LAFD RA to respond to the CP in the event Jackson was injured or became injured during the search.

The UOFRB noted that both Sergeants Udeshi and Burke assumed IC roles. During deliberations, the UOFRB recognized that both Sergeants Udeshi and Burke remained actively engaged in managing this critical incident. The supervisors ensured that all duties were completed and worked together effectively with each other. Sergeant Udeshi maintained his position as the IC of field operations while Sergeant Burke handled operations at the CP.

However, the UOFRB noted that Sergeants Udeshi and Burke did not declare themselves as the IC as is expected by the Department. The UOFRB considered the circumstances of this incident and the requirement by Metropolitan Division's K-9 Unit to receive approval from the IC regarding their search team configuration and approval for conducting searches without a K-9 announcement. Noting how this could cause confusion or an inappropriate source of approval for their tactical engagements, the UOFRB noted the importance of sergeants to broadcast their

designation as IC. The UOFRB emphasized the Department's expectation that the IC broadcast his designation once it has been assumed. Additionally, the UOFRB considered Sergeants Udeshi and Burke's articulation describing their roles as co-incident commanders. The UOFRB noted Sergeant Burke did not consult Sergeant Udeshi when giving K-9 personnel his approval to search in an all K-9 personnel configuration to avoid the delay waiting for SWAT personnel. Sergeant Burke also did not consult prior to approving the initiation of the K-9 search without a K-9 warning. The UOFRB would have preferred that Sergeants Udeshi and Burke ensured clear communication was present throughout the incident.

Sergeant Burke, while acting as the incident commander, approved the K-9 search plan which did not include SWAT personnel. Given the violent actions of Jackson, the Chief would have preferred for Sergeant Burke to have utilized the time afforded to him to wait for and include SWAT personnel as part of the K-9 search plan.

Sergeant Goosby, while at Metropolitan Division, received Sergeant Udeshi's request for a K-9 response. Sergeant Goosby was briefed by Sergeant Udeshi regarding the incident. Sergeant Goosby directed Sergeant Aikins to contact Lieutenant McMillion and request the response of SWAT personnel. Sergeant Goosby responded to the incident and discussed the incident with Captain Sands. After getting more details from Sergeant Burke regarding Jackson, Sergeant Goosby sought and received approval to conduct the K-9 search without waiting for personnel from SWAT due to exigency since Jackson created a safety concern for citizens in the area. Sergeant Goosby did not want to delay checking an area for Jackson which would delay medical treatment since it was unknown if Jackson had been struck by gunfire. Captain Sands approved the configuration of the K-9 search team to be comprised of only K-9 personnel. Sergeant Goosby also received approval from Captain Sands and Sergeant Burke to conduct the search without a K-9 announcement due to their knowledge that Jackson had already showed a willingness to fire his handgun at officers and would have been aware that officers were searching for him due to a large presence of officers in the area, including the air unit. Sergeant Goosby also consulted with Lieutenant McMillion prior to the initiation of the K-9 search. Sergeant Goosby coordinated with ASD to find and later detain Jackson.

Sergeant Goosby, while assigned as supervisor of the K-9 unit, approved the K-9 search plan which did not include a K-9 deployment announcement or SWAT personnel. Given the violent actions of Jackson, the Chief would have preferred for Sergeant Goosby to have ensured that a K-9 deployment announcement was made and to have utilized the time afforded to him to wait for and include SWAT personnel as part of the K-9 search plan.

The UOFRB reviewed Sergeant Goosby's involvement during the K-9 search. Sergeant Goosby began giving verbal commands to Jackson and after Jackson complied, Sergeant Goosby handcuffed him. Sergeant Goosby walked Jackson from the residence and over to a police vehicle for treatment by the RA. The

UOFRB considered Sergeant Goosby's statements regarding his reason for involvement in the search. Sergeant Goosby, being the training supervisor for the tactics within the K-9 Unit, stated he frequently accompanied search teams to ensure Department standards were met. The UOFRB determined Sergeant Goosby's primary role was to first supervise and ensure there are adequate search team members to address the situation so that Sergeant Goosby's involvement would not be needed. Thereby, Sergeant Goosby could focus on his duties by providing command and control at each incident. However the UOFRB noted Sergeant Goosby engaged in handcuffing Jackson and would have preferred that he maintain his supervisory role and not physically engage Jackson. The UOFRB reminded Sergeant Goosby to maintain his role as a supervisor and to assign additional personnel, if needed, to a search team to avoid his direct involvement. The UOFRB noted Sergeant Goosby ensured Officer Peters utilized his K-9 to effectively deliver bite hold only to the extent that it was necessary for the officers to get to positions of cover. Additionally, the UOFRB noted Sergeant Goosby reminded Officer Peters to immediately leash K-9 Storm to prevent a further incident.

The UOFRB reviewed Sergeant Goosby's request to conduct the K-9 search in a configuration which did not include SWAT personnel. Sergeant Goosby articulated his reason for the urgency of apprehending Jackson was that Jackson was possibly injured and to avoid the danger Jackson presented to people in the area. The UOFRB determined that not waiting for the arrival of SWAT personnel was reasonable due to a valid exigency and was within Department policy. However, the UOFRB noted Sergeant Goosby made the appropriate notifications to Lieutenant McMillion and therefore, considering that SWAT personnel were already responding, would prefer Sergeant Goosby to continue to consider waiting for the arrival of SWAT personnel in future incidents.³⁰

The UOFRB also noted Sergeant Goosby's decision to initiate the K-9 search without giving a K-9 announcement. Sergeant Goosby received approval from both Captain Sands as well as Sergeant Burke, whom he believed to be the IC, which was consistent with Department policy. Sergeant Goosby stated that his reason for eliminating the announcement was to maintain the search teams' tactical advantage since Jackson had already fired at officers. The UOFRB determined that since Jackson had fired at Officers Zavala and Velasquez, the exemption of the K-9 announcement was reasonable based on the exigency of the circumstances.

The actions of Sergeant Goosby were overall consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident. However, absent exigent circumstances, the Chief would have preferred Sergeant Goosby not handcuff Jackson and that he maintain his supervisory role and not physically engage Jackson.

³⁰ During the UOFRB it was noted that the estimated time of arrival for SWAT personnel was between 30 and 45 minutes.

Sergeant Aikins completed notifications, at the direction of Sergeant Goosby, to Captain Sands and Lieutenant Carodine, informing them that the K-9 search team would be responding to the OIS location.

Sergeant Wences responded from Newton CPS, with Sergeant Udeshi to the OIS location and met with Officers Zavala and Velasquez. Sergeant Wences checked Officers Zavala and Velasquez for injury and then gathered information from them regarding to OIS. Sergeant Wences took over supervision of Officer Velasquez, separated him, and obtained his PSS.

Sergeant Hines responded from Newton CPS, simultaneously with Sergeant Burke to the OIS location and met with Officers Zavala and Velasquez. Sergeant Hines took over supervision of Officer Zavala, separated him, and obtained his PSS.

The actions of Sergeants Udeshi, Wences, Hines, Burke, and Aikins were overall consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

Lieutenant McMillion spoke with Sergeant Aikins and Sergeant Goosby for a briefing on the incident. Lieutenant McMillion and Sergeant Burke discussed the possibility of the deployment of SWAT personnel. Due to Jackson already being in custody and field show ups being conducted upon Lieutenant McMillion's arrival, Lieutenant McMillion chose not to deploy SWAT. After Jackson was positively identified, SWAT was not deployed.

The actions of Lieutenant McMillion were overall consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

Captain Sands received notifications from Sergeant Goosby regarding the incident and the request for deployment of K-9 resources. Captain Sands approved the K-9 search to be completed without waiting for the arrival of SWAT personnel and for the K-9 search team configuration to be with K-9 personnel only. Captain Sands considered the urgency to get Jackson into custody for the safety of citizens in the area and to ensure Jackson was not injured in the OIS and in need of medical treatment. Additionally, Captain Sands approved the omission of the K-9 announcement due to the threat Jackson posed for the search team if they were to announce their presence since doing so would have provided Jackson with a tactical advantage.

Captain Mohammadi arrived at scene at approximately 2340 hours, and oversaw patrol functions. Captain Mohammadi demobilized personnel assigned to the incident after Jackson was taken into custody.³¹

³¹ Captain Mohammadi arrived at the CP approximately 90 minutes after the incident began.

The actions of Captain Sands and Mohammadi were overall consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Sergeants Udeshi, Burke, and Goosby, and Officers Zavala, Velasquez, and Peters did not deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although it was determined that Captain Sands would not receive formal findings, the Chief believes Captain Sands would benefit from attending the Tactical Debrief to enhance future performance and discuss this dynamic incident in its entirety.

Therefore, the Chief directed that Captain Sands, and Sergeants Udeshi, Burke, and Goosby, and Officers Zavala, Velasquez, and Peters attend a Tactical Debrief and that the specific identified topics be discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control;
- Lethal Force

General Training Update (GTU)

- On March 5, 2020, Officers Zavala and Velasquez attended the General Training Update (GTU). All mandatory topics were covered.

Drawing/Exhibiting

- Department policy relative to drawing and exhibiting a firearm is: "*An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified*" (*Los Angeles Police Department Manual, Volume No. 1, Section 556.80*)

Officer Zavala

According to Officer Zavala, as they approached McKinley Avenue he observed a car, in a “slanted” position in relation to the south curb facing northeast on 41st Street, just east of McKinley Avenue. Officer Zavala observed Jackson who was wearing dark clothing, next to the sedan, standing on the southeast curb of 41st Street and McKinley Avenue, near a tri-light post. Officer Zavala observed Jackson look at them and take several steps off the southeast curb. Jackson lifted both hands in an “isosceles stance,” holding a semi-automatic handgun pointed right at him. Officer Zavala observed muzzle flash from Jackson’s handgun. Officer Zavala immediately brought his vehicle to a stop. As Jackson fired, Officer Zavala could feel “something hitting” the police vehicle. Officer Zavala believed Jackson fired approximately “three or four continuous shots.” Officer Zavala believed approximately “three or four seconds” passed from the time he initially observed Jackson up to the time Jackson began firing. Officer Zavala believed if he took the time to get out of his police vehicle, he would have been shot by Jackson. Officer Zavala remained inside of his police vehicle and drew his service pistol with his right hand.

Officer Zavala recalled,

As soon as we approached the -- prior to approaching the crosswalk area on the west side of the light, the male black approached us, lifting up both hands. And I looked at him and I observed muzzle flash coming from his hand from a semi-automatic pistol right at me.³²

I came to a stop -- I came to a stop before I even drew out my pistol.³³

I'm right-handed. I drew my pistol because I didn't believe that there was time for me to get out of the vehicle since he was already firing shots at us. And I could feel -- I could -- I felt something hit the vehicle, so I felt that if I took the time to get out of the vehicle then I would have got shot. So then at that point I drew and exhibited. I used the dashboard as a platform.³⁴

Once I saw that the suspect produced a handgun towards us and the muzzle went off, I then unholstered my weapon.³⁵

³² Zavala, Page 10, Lines 21-25 and Page 11, Line 1.

³³ *Id.*, Page 31, Lines 24-25.

³⁴ *Id.*, Page 29, Lines 5-12.

³⁵ *Id.*, Page 11, Lines 7-9.

I believe I used it to lean forward to be able to get a better shot and be able to extend my -- my hand, rather than keeping it in a close position with my firearm.³⁶

To straighten out my arms because it was the lowest -- the windshield comes out at an angle, so that would be the only place where I could actually straighten out my arms at the bottom of the -- of the windshield. So I was using the dashboard to go as far down as I could, so I can extend my arms.³⁷

Officer Velasquez

According to Officer Velasquez, as he and Officer Zavala continued eastbound approaching the intersection, he observed Jackson take an “isosceles stance,” which Officer Velasquez described as Jackson having his “feet shoulder width apart” with a “slight bend in his knees” as “both hands” were holding a handgun. Jackson’s arms were “fully extended” and took aim at Officer Velasquez and Zavala. Officer Velasquez, being familiar with the sound of a bullet striking a vehicle due to prior military experiences, heard what he believed to be a bullet from a “semi-automatic handgun” striking his vehicle a minimum of “three times.” Officer Velasquez observed Jackson’s handgun to be “dark” in color. Officer Velasquez thought of his pregnant wife and his daughter and believed he was “going to die.” Jackson was trying to “kill” him and Officer Zavala. Officer Velasquez’ thoughts came back to the situation and reacted by removing his seat belt while Jackson continued to fire his handgun at them. Officer Velasquez opened his passenger door, using it for cover, then drew his service pistol with his right hand, placing his index finger on the slide and the muzzle pointed down to the ground. While redeploying, Officer Velasquez still heard the impact of bullets striking his vehicle. Officer Velasquez repositioned himself to the rear of his police vehicle in a manner which allowed him to view Jackson, but would not expose himself more than necessary.

Officer Velasquez recalled,

I observed, on the southeast corner of the intersection of 41st Street and McKinley, a male, later described as the suspect, take an isosceles stance with both of his hands -- arms raised them up, pointing it towards our direction, aiming a semi-automatic handgun, shooting it towards me and my partner multiple times. At which point all I could hear is gunshots and see muzzle flash coming from his semi-automatic pistol. I could also hear the impact of the bullets striking our black and white vehicle. And at the time all I could think of was my wife -- she's three months pregnant having our first boy -- and my daughters, if I was going to make it home tonight. I honestly thought I was going to die. But then I came to -- back to the situation and just reacted by removing my seat belt while we're still receiving fire. At

³⁶ *Id.*, Page 29, Lines 17-20.

³⁷ *Id.*, Page 58, Lines 11-17.

which point I opened the passenger door and used it as cover while I'm unholstering my firearm.³⁸

Based on my training and experience, isosceles stance to what I believe it is, is your both -- your feet are about shoulder width apart, a slight bend in the knees with both arms -- both hands on the firearm fully extended out and taking aim towards me and my partner's direction, sir.³⁹

I drawed out on -- while we're getting shot at and me exiting the vehicle.⁴⁰

I unholstered with one hand. My index finger was on the slide of the firearm, and the gun barrel was aiming towards the ground when I repositioned behind the vehicle.⁴¹

...he was still in an isosceles stance, pointing and aiming a firearm -- semi-automatic firearm and still shooting at myself and my partner.⁴²

Based on the severity of the situation, sir, I had reason to believe that my partner and I's lives were in immediate threat of serious bodily injury or death, sir.⁴³

This suspect had, I believe, a purpose to cause serious bodily injury to myself or my partner, and I had to make a decision to use it to stop the threat, sir.⁴⁴

He was trying to kill me and my partner, sir... I definitely had fear, sir. I'm just happy that I get to go home to my family, sir.⁴⁵

I heard it, sir. I heard what I reasonably believed to be a bullet striking our vehicle while he's shooting at us... I'm prior military, so I've encountered certain situations where vehicles were struck by nine-millimeter or any type of handguns, and it sounds familiar... I believe it was multiple.⁴⁶

The UOFRB conducted a thorough evaluation of the reasonableness of Officers Zavala's and Velasquez' drawing and exhibiting of their service pistols. The UOFRB noted that Jackson rapidly escalated the incident by firing a handgun at Officers

³⁸ Velasquez, Page 10, Lines 2-21.

³⁹ *Id.*, Page 23, Lines 4-10.

⁴⁰ *Id.*, Page 26, Lines 12-14.

⁴¹ *Id.*, Page 27, Lines 3-8.

⁴² *Id.*, Page 43, Lines 1-4.

⁴³ *Id.*, Page 44, Lines 16-19.

⁴⁴ *Id.*, Page 45, Lines 21-24.

⁴⁵ *Id.*, Page 46, Lines 4-5 and Lines 8-10.

⁴⁶ *Id.*, Page 37, Lines 19-21, Page 38, Lines 7-10 and Page 38, Lines 14-15.

Zavala and Velasquez, both of who were seated inside of their police vehicle. The police vehicle was stuck by bullets. Both officer Zavala and Velasquez drew their service pistols in response to Jackson's gunfire.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Zavala and Velasquez, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Zavala and Velasquez' Drawing/Exhibiting to be In-Policy, No Further Action.

Officer Peters

According to Officer Peters, he was *searching* for Jackson, who he knew to be an armed suspect that had just shot at Officers Zavala and Velasquez. Officer Peters deployed his service pistol which was attached to a sling. Officer Peters searched with the service pistol while holding it in a low-ready position.

Officer Peters recalled,

Just because we were searching for an armed suspect that had just shot at the police it's just another weapon that I can take with me that does have -- it's -- it was adopted as a pistol format but it does have rifle capabilities with accuracy with long shots. Good penetration capabilities, so occasionally, when -- when we search for armed suspects or any -- any suspects, we have those guns primarily for the handlers to use because then it gives me the ability to take longer precision shots, but it's a smaller compact weapon. It wouldn't be feasible to use a shotgun or a rifle as the handler because it's just too big and I'm manipulating my dog and leashes and E-collars and so forth. But it's a good thing just to -- to have as a handler if you need just a little bit of extra range or something like that.⁴⁷

I had -- I had an MP7 pistol that I had out the entire time. It's on a sling. So I was using that.⁴⁸

-- slung, and I had that. I searched just like I would any other gun at a low-ready... It has a pressure switch flashlight mounted to it like -- like all of our weapons do.⁴⁹

⁴⁷ Peters, Page 31, Lines 20-25 and Page 32, Lines 1-12.

⁴⁸ *Id.*, Page 29, Lines 15-17.

⁴⁹ *Id.*, Page 30, Lines 8-9 and 16-18.

Sergeant Goosby

According to Sergeant Goosby, upon receiving a briefing of the incident from Sergeant Udeshi, he learned Jackson had fired a handgun at Officers Zavala and Velasquez. Sergeant Goosby opined that Jackson “knows we’re here” and would be aware that officers were searching for him. Once entering the yard of the search location, Sergeant Goosby unholstered his service pistol. Sergeant Goosby carried his service pistol in a low-ready and maintained that positioning until he holstered in preparation to take Jackson into custody.

Sergeant Goosby recalled,

Finally, my cell phone rings. It's the desk. And they said that Sergeant Uchida from Newton Division is requesting K-9 response. I then called him on his cell phone and asked him what he had. And he said that they had an officer-involved shooting, suspect's outstanding. Then they asked him if the officer -- if the suspects fired at the officers. And he said, "Yes." So when he told me that, that let me know, okay, this is going to go a little bit above the -- a regular K-9 search.⁵⁰

Yes, I did. Yes. Once we kicked off into the yard and started to search, I unholstered my weapon.⁵¹

I carried my weapon in a low-ready in search mode, and as we came up on a suspect, I stayed at low-ready so I could keep my eyes on him if he presented any threats that I can just come up on target and deal with it.⁵²

He fired at police officers. He knows we're there.⁵³

The UOFRB conducted a thorough evaluation of the reasonableness of Sergeant Goosby’s and Officer Peters’ drawing and exhibiting of their service pistols. Sergeant Goosby and Officer Peters were assigned to the K-9 search team with the objective to check a location to determine if Jackson was possibly at a location. Sergeant Goosby and Officer Peters were briefed that Jackson had fired at Officers Zavala and Velasquez.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Sergeant Goosby and Officer Peters, while faced with similar circumstances, would reasonably believe

⁵⁰ Goosby, Page 7, Lines 13-23.

⁵¹ *Id.*, Page 24, Line 25 and Page 25, Lines 1-2.

⁵² *Id.*, Page 25, Lines 7-11.

⁵³ *Id.*, Page 19, Lines 24-25.

that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Sergeant Goosby's and Officer Peters' Drawing/Exhibiting to be In-Policy, No Further Action.

Policy on the Use of Force

Use of De-Escalation Techniques⁵⁴

It is the policy of this Department that, whenever practicable, officers shall use techniques and tools consistent with Department de-escalation training to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

Factors Used to Determine Objective Reasonableness⁵⁵

The Department examines reasonableness using Graham v. Connor and the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience, in the same situation, based on the totality of the circumstances.

In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The feasibility of using de-escalation tactics;*
- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*

⁵⁴ Office of the Chief of Police (OCOP), Special Order No. 4, "Policy on the Use of Force - Revised," was adopted by the Department on February 5, 2020 and amended LAPD Manual, Volume 1, Section 556.10.

⁵⁵ *Id.*

- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,
- The environmental factors and/or other exigent circumstances.

Use of Force – Deadly⁵⁶

It is the policy of this Department that deadly force shall be used only when necessary in defense of human life. Specifically, deadly force shall be used only to:

- To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or
- To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible.

Note: Because the application of deadly force is limited to the above scenarios, an officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or another person.

The Department's Evaluation of Deadly Force⁵⁷

The Department will analyze an officer's use of deadly force by evaluating the totality of the circumstances of each case consistent with the California Penal Code Section 835(a), as well as the factors articulated in Graham v. Connor.

Background: According to the FID investigation, the OIS occurred on a residential street corner to the south side of 41st Street, east of McKinley Avenue. East 41st Street ran from east to west and McKinley Avenue from north to south. The area was primarily residential, consisting of single family houses, duplexes and small apartment buildings. The outer perimeter of most structures on 41st Street were

⁵⁶ *Id.*

⁵⁷ *Id.*

secured by wrought iron fence beginning at the sidewalk. Both 41st Street and McKinley Avenue measured approximately 40 feet in width. At the time of the OIS, 41st Street was void of pedestrian traffic and the street was lined with parked vehicles. Security video depicted Jackson standing on the sidewalk on 41st Street at the curb line with parked vehicles, a light pole, shrubbery and wrought iron fences in his background when the OIS occurred. During the crime scene analysis FID investigators, located multiple bullet impacts to the wrought iron fence posts along the sidewalk on the south side of 41st Street.

According to Officer Zavala he believed Jackson stepped into the street at the time Officer Zavala fired his service pistol.

The UOFRB noted that the background behind a suspect was a consideration in this incident; however, the background must be balanced in comparison to the threat a suspect may pose to the officer and community. In this case, the UOFRB determined, and the Chief concurred, that the imminent threat Jackson presented to Officers Zavala and Velasquez was more significant and outweighed the risk to the community in consideration of Officers Zavala and Velasquez' background.

Officer Zavala – 9mm, Smith and Wesson, 6 rounds in an easterly direction, from a distance of 77 feet.

Note: The FID investigation revealed that Officer Zavala discharged six rounds in approximately one to two seconds.

According to Officer Zavala, he observed Zavala [*sic*] standing in an “isosceles stance” and believed Jackson intended to “kill” him and Officer Velasquez. Officer Zavala could clearly see and hear the muzzle of Jackson’s handgun as it fired. Officer Zavala knew “it was a semi-automatic because of the continuous fire.” Officer Zavala was in the seated position within his police vehicle and utilized the dashboard as a shooting platform on which he could extend his hands out straight and focus on getting his sights aligned on Jackson. Officer Zavala was “scared” for his life and in order “to defend himself” and Officer Velasquez, aimed at Jackson’s center mass and discharged six rounds at Jackson through the front windshield of his police vehicle. As Officer Zavala fired, he observed Jackson continuously firing at both Officers Zavala and Velasquez. As Officer Zavala discharged each round, he observed that Jackson was still firing at him and Jackson’s muzzle still pointed at Officer Velasquez and himself. As Officer Zavala returned fire, Jackson did stop firing, but maintained his handgun pointed at Officer Zavala.

Officer Zavala recalled,

I observed him to be on the southeast curb right near a light post, I believe it is -- I'm sorry -- a tri-light post, I believe it is, and near a bush. As soon as he saw us, he

then took a couple steps to where he just stepped off the southeast curb and started firing rounds.⁵⁸

It felt like something struck the vehicle. I felt -- for example, when a rock hits a motorcycle helmet, I felt the impact of 6 [sic] the vehicle.⁵⁹

I was still traveling forward, but slow.⁶⁰

He automatically brings up the pistol, gets himself in a stance, and then starts firing...With both hands on the on the frame of the gun... With an isosceles stance... His body facing right at us with both arms extended and separation between his two legs. I just know it was semi-automatic because of the continuous fire that he had when firing at us.⁶¹

I believe that it was pointed in the direction of our windshield either at myself or my partner.⁶²

I believe it was like three or four continuous shots.⁶³

About three seconds, four seconds.⁶⁴

To cause serious or bodily -- serious bodily injury to myself or my partner... to kill us.⁶⁵

Because we were receiving gunfire and we -- or I could clearly see the muzzle. I could hear the muzzle. I felt the vehicle being struck. And I was scared for my life.⁶⁶

I was in the seated position in my vehicle... I used the dashboard as a platform and I responded back with fire to the suspect.⁶⁷

⁵⁸ Zavala, Page 25, Lines 3-8.

⁵⁹ *Id.*, Page 49, Lines 4-7.

⁶⁰ *Id.*, Page 57, Lines 3-4.

⁶¹ *Id.*, Page 26, Lines 20-21, and Page 27, Lines 4-5, 9, 12-14 and 17-19.

⁶² *Id.*, Page 59, Line 25 and Page 60, Lines 1-2.

⁶³ *Id.*, Page 31, Lines 4-5.

⁶⁴ *Id.*, Page 56, Lines 23-24.

⁶⁵ *Id.*, Page 59, Lines 14-16, and Line 19.

⁶⁶ *Id.*, Page 51, Lines 21-24.

⁶⁷ *Id.*, Page 28, Lines 1-2, and Page 29, Lines 12-13.

I put my frame (finger) on the trigger once my sights were aligned.⁶⁸

To defend myself and my partner's life.⁶⁹

Initially when the incident first -- first occurred, it had gone by so fast that I believed at the time I fired three shots. And once time had passed, I went through the situation thoroughly in my head and I now know that I fired more than three rounds. And it was continuous fire while either receiving fire or the suspect pointing his firearm at me... Six.⁷⁰

The suspect was still -- still with the firearm pointed at us... He was still firing when I -- when I was firing. ...during my response of gunfire, he did stop, but the firearm was still pointed at us what I could see through the windshield.⁷¹

According to Officer Zavala, he ceased firing because of the web in his front windshield which was causing glass particles to hit Officer Zavala's face which could have been a distraction while shooting. Additionally, Officer Zavala did not want to accidentally shoot a citizen walking by or into a house as he looked through the webbing of the glass.

Officer Zavala recalled,

I stopped firing because the web of the -- of the windshield shredded up too much. So, one, I didn't want to shoot at somebody or a citizen walking by or somebody's house. And, two, the glass was also hitting my face, so that would have been a distraction if I would have let glass continue to hit my face while shooting. So at that point I stopped because it would have become a risk once the -- I saw the web of the windshield.⁷²

I fired six rounds until I observed the spiderweb of the windshield and that's when I came to a stop.⁷³

According to Officer Zavala, he had initially believed he fired three rounds. After completing the magazine count with FID detectives after the incident, Officer Zavala recalled that he had discharged six rounds.

⁶⁸ *Id.*, Page 35, Lines 17-18.

⁶⁹ *Id.*, Page 51, Lines 18-19.

⁷⁰ *Id.*, Page 62, Lines 21-25 and Page 63, Lines 1-3 and Line 7.

⁷¹ *Id.*, Page 47, Lines 7-8, Lines 12-13 and Lines 17-20.

⁷² *Id.*, Page 37, Lines 12-20.

⁷³ *Id.*, Page 46, Lines 20-22.

Officer Zavala,

Detective Grabe: *But from what you're telling us, it sounds like you were firing all those rounds within that same span that you already described while the suspect is pointing the gun at you or firing rounds at you; is that correct?*

Police Officer Zavala: Yes.⁷⁴

The FID investigation revealed that Officer Zavala, when asked by FID detectives if his statement regarding the overall time of the OIS as being approximately less than five seconds had changed after remembering that he discharged six rounds, Officer Zavala confirmed his time estimate was the same.

Detective Grabe: *Okay. Now, you said you did not communicate with your partner because everything happened so quickly. How -- how much time do you think this incident took to occur? And we're talking just the shooting part.*

Police Officer Zavala: *Just the shooting between the suspect and myself?*

Detective Grabe: *Uh-huh.*

Police Officer Zavala: *Less than five seconds.*⁷⁵

In this case, the UOFRB conducted a thorough review of the incident. During their review, the UOFRB took into consideration that Jackson was in possession of a handgun. Jackson rapidly escalated the incident by raising his handgun and firing directly at Officers Zavala and Velasquez. The UOFRB noted that Officer Zavala discharged his service pistol to prevent serious bodily injury or death to himself and Officer Velasquez. Other force options, including the possible deployment of less lethal munitions, were not practical due to Jackson's firing at Officers Zavala and Velasquez.

The UOFRB noted that Officer Zavala continuously assessed prior to firing, between each round, and after firing. Each time Officer Zavala discharged his service pistol, he continued to assess and observed Jackson pointing and firing his handgun at himself and Officer Velasquez. In addition, UOFRB noted that when Jackson started to run away, Officer Zavala ceased firing. The UOFRB considered the minimal amount of time, which was a matter of seconds that Officer Zavala had to make decisions based on the imminent threat posed by Jackson to Officers Zavala and Velasquez. The UOFRB noted that Officer Zavala articulated his perception of an imminent threat when Jackson began firing at him. Officer Zavala specifically articulated his reason for the use of lethal force, which was to defend himself and

⁷⁴ *Id.*, Page 63, Line 22.

⁷⁵ *Id.*, Page 49, Lines 21-25, and Page 50, Lines 1-4.

Officer Velasquez. The UOFRB noted the threat of serious bodily injury or death faced by Officers Zavala and Velasquez.

The UOFRB also considered the bullet impacts to the police vehicle as presented by FID investigators: front left bumper, front left tire, left muffler, and front surface of the left rear wheel well liner. The FID investigators conveyed to the UOFRB that the impacts were consistent with bullets fired from Jackson's position and the UOFRB took this into consideration when discussing Officer Zavala's response to Jackson and Officer Zavala's subsequent use of lethal force.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Zavala, would reasonably believe Jackson's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be objectively reasonable and necessary.

Therefore, the Chief found Officer Zavala's Use of Lethal Force to be In Policy, No Further Action.

Officer Velasquez – 9mm, Glock, 2 rounds in an easterly direction, from a distance of 88 feet.

Note: The FID investigation revealed Officer Velasquez discharged two rounds in approximately two seconds.

According to Officer Velasquez, due to Jackson's actions, he had "reason to believe an eminent threat of death" for himself and Officer Zavala would occur. Officer Velasquez observed Jackson "take an isosceles stance." Jackson had "both hands on the firearm fully extended out and taking aim towards" both Officer Velasquez and Zavala. Officer Velasquez placed his index finger on the slide of his service pistol and repositioned himself to the rear of his police vehicle in a manner which allowed him to observe Jackson, but would not expose himself more than necessary. While repositioning, Officer Velasquez still heard "the impact of bullets striking" his police vehicle. Officer Velasquez, after repositioning, observed that Jackson was still aiming his handgun at him and Officer Zavala. Officer Velasquez raised his service pistol and aimed at Jackson's center mass, discharging two consecutive rounds. Officer Velasquez assessed as he discharged his two rounds and still observed that Jackson was in an "isosceles stance," aiming his handgun at him and Officer Zavala. Officer Velasquez estimated that approximately one second passed from initially observing Jackson to observing Jackson firing his handgun at them.

Officer Velasquez recalled,

The last -- the only observation I saw was him take an isosceles stance and raise both of his arms and aim and point a gun -- a semi-automatic handgun and shot at me and my partner multiple times... he already had the gun in his -- I believe it was

right hand and he was holding it with both -- both hands and his arms -- both arms were extended out.⁷⁶

They were already together from, I would say, the knees position while he was raising it. That's exactly what I remember seeing... He was facing our direction westbound... isosceles stance to what I believe it is, is your both -- your feet are about shoulder width apart, a slight bend in the knees with both arms -- both hands on the firearm fully extended out and taking aim towards me and my partner's direction, sir.⁷⁷

...both his feet are planted while he's shooting at us.⁷⁸

The suspect with the same isosceles stance with the firearm in his hands.⁷⁹

I know it was more than three, sir. I don't know an exact number, but... And this one led me to believe it was semi-automatic handgun because of how fast he was able to shoot the firearm and how it looked from the position I was at... I don't recall exact color, but it was dark.⁸⁰

I had reason to believe to be an eminent threat of death, sir... For myself and my partner.⁸¹

I'm still hearing the impact of the bullets striking our vehicle, so I redeploy by going behind the black and white vehicle -- our vehicle to get a better position and what I believe better cover is.⁸²

My index finger was on the slide of the firearm, and the gun barrel was aiming towards the ground when I repositioned behind the vehicle, then I went on target, and that's when the OIS occurred on my behalf, sir...Center mass...of the suspect...After I shot both rounds I reassessed because I could no longer see the suspect.⁸³

⁷⁶ Velasquez, Page 18, Lines 4-8 and Page 20, Lines 5-8.

⁷⁷ *Id.*, Page 20, Lines 17-20 and Lines 24-25 and Page 23, Lines 4-10.

⁷⁸ *Id.*, Page 24, Lines 3-4.

⁷⁹ *Id.*, Page 28, Lines 19-20.

⁸⁰ *Id.*, Page 43, Line 14 and Lines 22-25 and Page 44, Lines 10-11.

⁸¹ *Id.*, Page 29, Lines 20-21 and Lines 23-24.

⁸² *Id.*, Page 10, Lines 22-25.

⁸³ *Id.*, Page 27, Lines 3-8 and Page 30, Lines 3, 5, and Lines 11-13.

*...took an isosceles stance enough to where I could -- my gun was out and I was able to see the suspect still to not expose myself as much more than I needed to.*⁸⁴

*And I still see the suspect aiming his semi-automatic handgun at my partner and I and shooting at us. At which point I raised my firearm. I aim it towards the suspect where I then shoot two times.*⁸⁵

*It was two consecutive.*⁸⁶

*After I shoot, I no longer see the immediate threat and he repositions himself behind an object -- I believe it was a tree or branch nearby -- and I couldn't see him.*⁸⁷

*After I shot both rounds, I reassessed because I could no longer see the suspect where he was once at and he was no longer in my line of sight.*⁸⁸

*About I would say a second, sir.*⁸⁹

The FID investigation revealed that Officer Velasquez, when asked by FID Detective Linscomb if Officer Velasquez observed Jackson continuing to fire as Officer Velasquez fired, Officer Velasquez stated, "yes."

Detective Linscomb: *Okay. When you see him, do you recall if he's still firing?*

Officer Velasquez: *Yes. I do recall that.*⁹⁰

In this case, the UOFRB conducted a thorough review of the incident. During their review, the UOFRB took into consideration that Jackson was in possession of a handgun. Jackson rapidly escalated the incident by raising his handgun and firing directly at Officers Velasquez and Zavala, striking their police vehicle. The UOFRB noted that Officer Velasquez utilized lethal force to prevent serious bodily injury or death to both officers. Jackson's rapid escalation of the incident and his firing at Officers Velasquez and Zavala, limited considerations for other force options, including the deployment of less lethal force options. The UOFRB noted that Officer Velasquez continued to assess after his first and second rounds. Officer Velasquez observed Jackson running away and ceased firing.

⁸⁴ *Id.*, Page 25, Lines 20-23.

⁸⁵ *Id.*, Page 11, Lines 1-4.

⁸⁶ *Id.*, Page 42, Lines 18-19.

⁸⁷ *Id.*, Page 11, Lines 5-8.

⁸⁸ *Id.*, Page 30, Lines 11-14.

⁸⁹ *Id.*, Page 18, Lines 15-16.

⁹⁰ *Id.*, Page 28, Line 25 and Page 29, Lines 1-3.

Note: The FID presentation during the UOFRB noted Officer Velasquez discharged his first round three seconds after surveillance video appeared to depict Jackson turn and run away eastbound.

The UOFRB noted that Officer Velasquez articulated his perception of an imminent threat, which was when Jackson began firing at him and Officer Zavala. Officer Velasquez articulated his reason for the use of lethal force which was to defend himself and Officer Zavala. The UOFRB noted the significant threat of serious bodily injury or death to Officers Velasquez and Zavala. The UOFRB also considered Officer Velasquez' assessment of Jackson's actions between each discharged round.

The UOFRB considered the environmental conditions when considering Officer Velasquez' use of lethal force. The UOFRB noted it occurred during the hours of darkness with a low level of light in Officer Velasquez' background. Additionally, the UOFRB considered the incident was rapidly unfolding and dynamic, giving Officer Velasquez little time to react. The UOFRB considered Officer Velasquez' perception of Jackson's actions and that there was approximately three seconds from Jackson turning and running to Officer Velasquez' discharging of his first round. The UOFRB considered "lag time" and the low level of available light with regard to the three second gap.⁹¹ The UOFRB also noted that Officer Velasquez had just been violently fired upon by Jackson. The three second delay in Officer Velasquez' discharging his first round was understandable considering the numerous factors in this incident. The Chief noted that the lighting conditions were a significant contributing challenge to Officer Velasquez' observation of Jackson's movements.

The UOFRB also considered the following bullet impacts to the police vehicle as presented by FID investigators: front left bumper, front left tire, left muffler, and front surface of the left rear wheel well liner. The FID investigators conveyed to the UOFRB that the impacts were consistent with bullets fired from Jackson's position and the UOFRB took this into consideration when discussing Officer Velasquez' response to Jackson and Officer Velasquez' subsequent use of lethal force.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Velasquez, would reasonably believe Jackson's actions presented an imminent threat of death or serious bodily injury and that the use of deadly force would be objectively reasonable and necessary.

Therefore, the Chief found Officer Velasquez' Use of Lethal Force to be In Policy, No Further Action.

⁹¹ Lag Time is defined as the time it takes a person to react to an action, LAPD Training Bulletin, Volume XLVI, Issue 3, dated October 2017, "Weapons Other Than Firearms."

Additional/Equipment

- **BWV** – Sergeant Udeshi did not activate his BWV during his Code Three response to the location of the OIS. Sergeant Udeshi activated his BWV upon arriving at the scene. This issue was brought to the attention of Captain R. Goddard, Serial No. 32757, Commanding Officer, Newton Patrol Division, who advised that this issue was addressed through the generation of a Supervisor Action Item (SAI) and the issuance of an Employee Comment Sheet. The Commanding Officer of Operations – Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.

Sergeant Wences recorded Officer Velasquez' PSS on BWV believing he was required to do so. This issue was brought to the attention of Captain Goddard who advised that this issue was addressed through the generation of a SAI and divisional training. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

- **Uniform Standards** – Officer Peters did not have identifying patches on his tactical utility vest during the incident. This issue was brought to the attention of Captain Valenzuela, who advised that this issue was addressed through Informal Counseling. The Commanding Officer of CTSOB and the Director of OSO concurred with this action. It was later determined that after this incident occurred, Officer Peters applied his identifying patches and passed an audit ensuring his utility vest had the required patches in August 2020. The Chief deemed no further action is necessary.

Note: The METRO K-9 unit currently conducts an inspection of each officer's uniform and equipment to comport with Department standards. This inspection is conducted twice a month during training days. This incident occurred approximately five months prior to the initiation of the inspection procedure.

- **Medical Treatment/Rendering Aid** – The FID investigation revealed Jackson was treated by the LAFD RA 814, Fire Fighters Medina and Cajiao, for an abrasion to his right foot and was released to the officers at scene. Jackson was not transported to, nor admitted to a hospital for medical treatment.

Audio/Video Recordings

- **Body Worn Video (BWV)** – Officers Zavala and Velasquez' BWV captured the OIS and their subsequent separation and monitoring by supervisors. Sergeants Udeshi, Wences, and Hines' BWV devices captured their activities after the OIS had occurred. All K-9 search team officers had their BWV devices activated during the search. Sergeant Goosby's BWV captured the largest overview of the K-9 search which resulted in Jackson's arrest.

- **Outside Video** – The FID investigation revealed that two locations, 705 E. 41st Street and 817 E. 41st Street, were found to have surveillance camera recordings which captured aspects of the incident. The recordings depicted Elliott appearing in the frame then suddenly reversing his vehicle. Additionally, Jackson and another unknown male can be seen exiting a sedan as a driver remained inside of the vehicle. Jackson and the unknown male walked out of the frame, westbound on 41st Street. Shortly after, Jackson and the unknown male returned to the vehicle. The unknown male entered the vehicle while Jackson can be seen looking eastbound as Officers Zavala and Velasquez approached the intersection. The surveillance camera recording captured Jackson raising a handgun and firing in the officers' direction. Jackson turned and ran westbound as the sedan drove away, leaving Jackson behind. Jackson could no longer be seen in the frame.
- **Digital In-Car Video System (DICVS)** – Officers Zavala and Velasquez' DICVS was not activated until after the OIS had occurred.

Chief's Direction

- To enhance future performance, the Chief instructed the Director of OSO to conduct an assessment of two Department policies and guidelines as it pertains to Metropolitan Division K-9 tactics. With regards to the exemption of an announcement prior to the initiation of a K-9 search, this policy is currently being revised to require the announcement be completed prior to the initiation of the K-9 search. With regards to the authorization and configuration of K-9 search teams during the search of suspects involved in an OIS, this policy is being revised to reflect that absent exigent circumstances, personnel from Metropolitan Division SWAT shall be assigned to these search teams.

[This space intentionally left blank.]

INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-Escalation

- The OIG concurs with the Chief's analysis.

Additional

- The Tactics, Tactical De-Escalation, and Command and Control analyses presented in the Chief's report on this case include references to decisions made regarding the K-9 search and contact that occurred prior to Jackson being taken into custody. The K-9 contact, which did not itself amount to a categorical use of force, has been adjudicated through the Counter Terrorism and Special Operations Bureau chain of command. That adjudication resulted in the determination that Deployment, Contact, and Post-Contact procedures were properly followed by the involved Metropolitan Division personnel.⁹²

[This space intentionally left blank.]

⁹² K-9 Contact Report, Deployment No. 20-046/RI No. 20-011.

BWV and DICVS Policy Compliance

SERIAL	NAME	TIMELY BWV ACTIVATION	FULL 2-MINUTE BUFFER	BWV RECORDING OF ENTIRE INCIDENT	TIMELY DICVS ACTIVATION	DICVS RECORDING OF ENTIRE INCIDENT
35775	Sergeant Udeshi	No	Yes	Yes	Yes	Yes
36665	Sergeant Burke	Yes	Yes	Yes	N/A	N/A
26964	Sergeant Goosby	Yes	Yes	Yes	Yes	Yes
42563	Officer Velasquez	Yes	Yes	Yes	N/A	N/A
30256	Officer Peters	Yes	Yes	Yes	Yes	Yes
42298	Officer Zavala	Yes	Yes	Yes	N/A	N/A

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.

Drawing/Exhibiting

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings.
- In its evaluation of Officer Zavala's use of deadly force, the OIG noted that he immediately returned fire upon having a pistol pointed and fired at him and his partner by Jackson. Under this circumstance, it was reasonable for Officer Zavala to believe that the use of deadly force was necessary to defend against the imminent threat of death or serious bodily injury that was presented by Jackson's actions.
- In its evaluation of Officer Velasquez's use of deadly force, the OIG considered that he observed Jackson point and fire a pistol at him and his partner, and that he heard rounds striking their police vehicle. As his partner returned fire through the windshield of that vehicle, Officer Velasquez exited the vehicle and took a position of cover at the rear of the vehicle before returning fire at Jackson. Officer Velasquez fired the first of his two rounds at Jackson very close in time to when Officer Zavala fired his last round at Jackson.

Video evidence shows that, at the time Officer Velasquez fired his rounds at Jackson, Jackson had already stopped firing at Officers Velasquez and Zavala and had begun to run away from them. In his interviews with FID, Officer Velasquez stated that it was his perception that Jackson was still pointing and firing a handgun at him and his partner at the time when he (Officer Velasquez) returned fire. Given

the brief period of time between when Jackson fired at the officers and when Officer Velasquez returned fire (approximately three seconds), the sound of continuing gunshots while Officer Velasquez redeployed to the rear of the police vehicle for cover and made the decision to return fire, and the low-light conditions under which this incident occurred, the preponderance of the available evidence supports the conclusion that it was reasonable for Officer Velasquez to believe the use of deadly force was necessary to defend himself and his partner from an imminent threat of death or serious bodily injury. After discharging his two rounds, Officer Velasquez properly assessed that the use of deadly force was no longer warranted, and he ceased fire accordingly.



MARK P. SMITH
Inspector General